

THE
STATUTES OF CALIFORNIA

AND
AMENDMENTS TO THE CODES

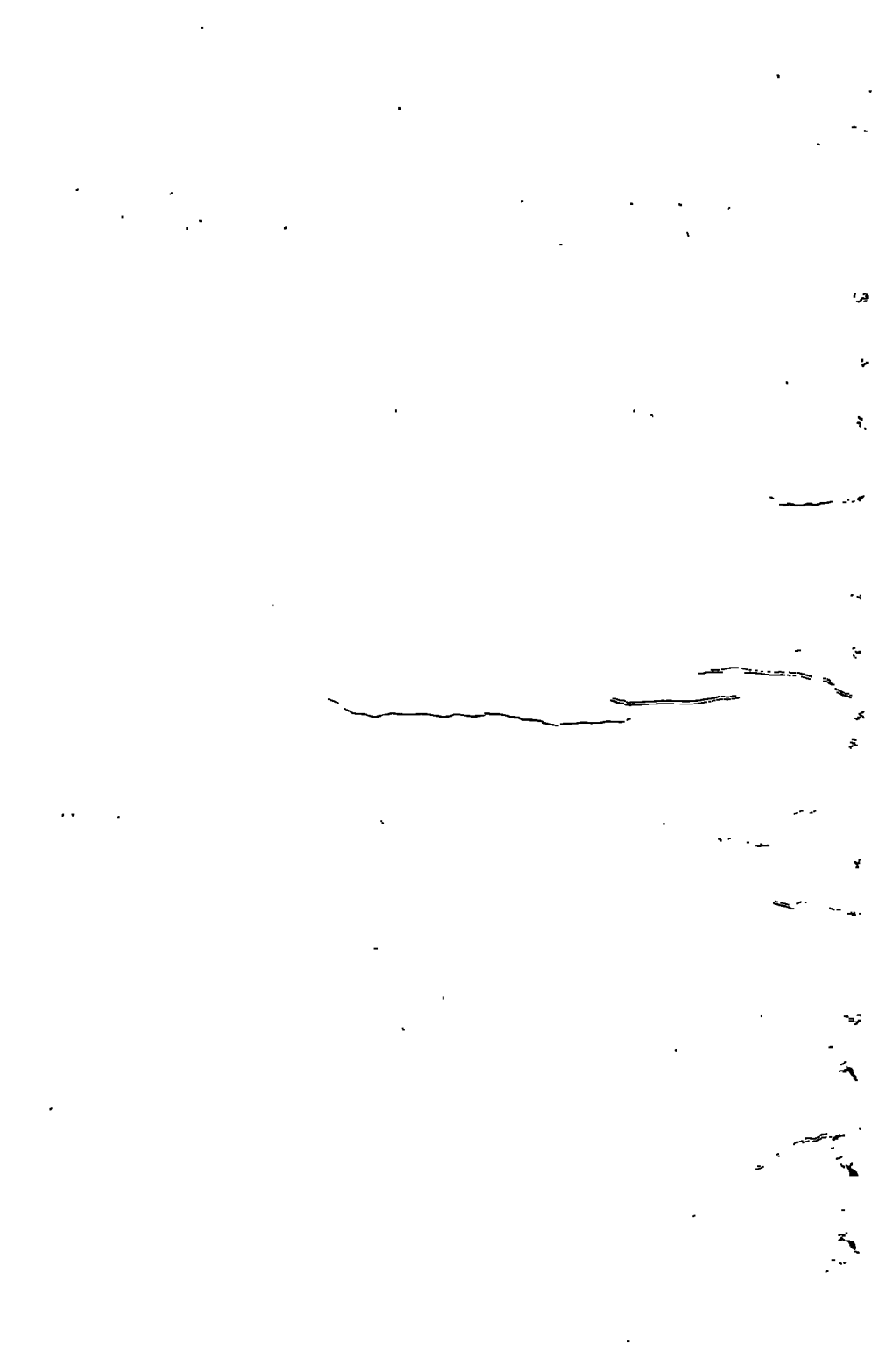
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FORTIETH SESSION OF THE LEGISLATURE

1913

BEGAN ON MONDAY, JANUARY SIXTH, AND ADJOURNED ON TUESDAY, MAY
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FRIEND WM. RICHARDSON, SUPERINTENDENT OF STATE PRINTING
SACRAMENTO, CALIFORNIA
1913



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648		367	Clarke, G. A.	1191	678	1159		Gates	1327
649		410	Moorhouse	1190	679	254		Birdsall	1327
650		464	Tulloch	1200	680		1006	Chaudier	1331
651		496	Griff	1204	681		1550	Farwell	1353
652		554	Alexander	1207	682		361	Wright	1354
653		576	Nelson	1210	683	613		Larkins	1360
654		612	Shartel	1216	684	335		Sanford	1363
655		652	Hayes	1218	685	605		Mott	1365
656		690	Shartel	1225	686	187		Larkins	1368
657		706	Green	1227	687	499		Sanford	1371
658		909	Stuckenbruck and Wall	1230	688	589		Avey	1373
659		1111	Shearer	1234	689	1250		Larkins	1374
660		1181	Woodley	1239	690		1812	Young	1379
661		1152	Ellis	1248	691	679		Owens	1413
662		1291	Cary	1253	692	043		Flint	1410
663		1390	Weisel	1260	693	1001		Boynton	1422
664		1304	Byrnes	1265	694		1263	Ryan	1423
665		1300	Killingsworth	1267	695	1407		Grant	1429
666		1464	Gull	1270	696		1920	Bohnett	1433
667		1572	Clarke, G. A.	1273	697		1903	Ryan	1442
668		1508	Dower	1274	698		1811	Young	1443
669		1599	Dower	1277	699	1609		Flint	1444
670		1600	Dower	1278					

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LIST OF OFFICERS.

STATE OFFICERS.

Capitol Building, Sacramento.

Name	Official position	Residence
Hiram W. Johnson	Governor	San Francisco
Albert J. Wallace	Lieutenant Governor	Los Angeles
Frank O. Jordan	Secretary of State	East Auburn
A. B. Nye	Controller	Oakland
E. D. Roberts	Treasurer	San Bernardino
U. S. Webb	Attorney General	Quincy
W. S. Kingsbury	Surveyor General	Los Angeles
Edward Hyatt	Superintendent of Public Instruction	Riverside
Friend Wm. Richardson	Superintendent of State Printing	Berkeley
B. Grant Taylor	Clerk of Supreme Court	San Jose
E. A. Forbes	Adjutant General	Marysville
Alexander McCabe	Private Secretary to Governor	San Francisco
Franklin A. Griffin	Executive Secretary to Governor	San Francisco
James L. Gillis	State Librarian	Sacramento

STATE BOARD OF EQUALIZATION.

Capitol Building, Sacramento.

Name	District	Residence
Edward Bolkin	First	San Francisco
John Mitchell	Second	Oakland
Richard E. Collins	Third	Redding
Jeff McElvaine	Fourth	San Bernardino
A. B. Nye	Ex officio (Controller)	Oakland
T. M. Eby	Secretary	Sacramento

RAILROAD COMMISSIONERS.

Commercial Building, San Francisco.

Name	District	Residence
Alex. Gordon	First	Sacramento
H. D. Loveland	Second	San Francisco
J. M. Eshleman	Third	El Centro
Edwin O. Edgerton		Los Angeles
Max Thelen		Berkeley
Charles E. Detrick	Secretary	Falo Alto

SUPREME COURT.

Wells-Fargo Building, Second and Mission streets, San Francisco.

Name	Office	Whence elected
W. H. Beatty	Chief Justice	Sacramento
F. M. Angellotti	Associate Justice	San Rafael
Lucien Shaw	Associate Justice	Los Angeles
F. W. Hanshaw	Associate Justice	Oakland
Wm. G. Loring	Associate Justice	San Jose
Henry A. McIvin	Associate Justice	Oakland
M. C. Sloss	Associate Justice	San Francisco

DISTRICT COURTS OF APPEAL.

FIRST APPELLATE DISTRICT.

Wells-Fargo Building, Second and Mission streets, San Francisco.

Name	Office	Whence elected
Thos. J. Lennon.....	Presiding Justice	San Rafael
Frank H. Kerrigan.....	Associate Justice	San Francisco
Samuel P. Hall.....	Associate Justice	Oakland
P. J. Hayselden.....	Clerk	Oakland

SECOND APPELLATE DISTRICT.

International Bank Building, Los Angeles.

Name	Office	Whence elected
Matthew T. Allen.....	Presiding Justice	Los Angeles
Victor E. Shaw.....	Associate Justice	San Diego
William P. James.....	Associate Justice	Los Angeles
W. D. Shearer.....	Clerk	Los Angeles

THIRD APPELLATE DISTRICT.

State Capitol, Sacramento.

Name	Office	Whence elected
Norton P. Chipman.....	Presiding Justice	Red Bluff
Eliah O. Hart.....	Associate Justice	Sacramento
Albert G. Burnett.....	Associate Justice	Santa Rosa
W. M. Lowell.....	Clerk	Sacramento

CONGRESSMEN.

Name	Politics	District	Address
William Kent.....	Republican	1st.....	Kentfield, Marin County, Cal.
John E. Raker.....	Democrat	2d.....	Alturas, Modoc County, Cal.
O. F. Curry.....	Republican	3d.....	1515 J street, Sacramento, Cal.
Julius Kahn.....	Republican	4th.....	2712 Webster street, San Francisco, Cal.
John I. Nolan.....	Republican	5th.....	1402 Guerrero street, San Francisco, Cal.
Joseph R. Knowland.....	Republican	6th.....	1543 Everett street, Alameda, Cal.
Denver S. Church.....	Democrat	7th.....	1333 N street, Fresno, Cal.
Everis A. Hayes.....	Republican	8th.....	Edenvale, Santa Clara County, Cal.
Charles W. Bell.....	Republican	9th.....	726 St. John avenue, Pasadena, Cal.
Wm. D. Stephens.....	Republican	10th.....	1108 W. Twenty-seventh st., Los Angeles, Cal.
William Kettner.....	Democrat	11th.....	2015 Union street, San Diego, Cal.

UNITED STATES SENATORS.

George O. Perkins.....	Oakland, Cal.
John D. Works.....	Los Angeles, Cal.

MEMBERS OF THE SENATE—FORTIETH SESSION, 1913.

ALBERT J. WALLACE, of Los Angeles.....President
 ALBERT E. BOYNTON, of Oroville.....President pro tem.
 WALTER N. PARRISL, of Stockton.....Secretary
 JOSEPH L. COUGHLIN.....Sergeant-at-Arms

Name	Politics	District	County	Address
Anderson, John N.	Republican	30th	Orange	Santa Ana
Avey, J. J.	Republican	30th	San Bernardino	Redlands
Beban, D. J.	Republican	24th	San Francisco	1243 Broadway
Benson, Frank H.	Republican	27th	Santa Clara	San Jose
Birdsall, E. S.	Republican	3d	Placer	East Auburn
Boynton, A. E.	Republican	28th	Butte	Oroville
Breed, A. F.	Republican	15th	Alameda	3125 Webster st., Oakland
Brown, William E.	Republican	37th	Los Angeles	745 Whittier street
Bryant, K. F.	Republican	20th	San Francisco	305 North avenue
Butler, Edwin M.	Republican	31st	Los Angeles	5300 Figueroa street
Camnetti, A.	Democrat	10th	Amador	Jackson
Campbell, A. E.	Democrat	17th	San Luis Obispo	San Luis Obispo
Carr, William J.	Republican	30th	Los Angeles	Pasadena
Cartwright, George W.	Democrat	26th	Fresno	Fresno
Cassidy, John J.	Republican	23d	San Francisco	135 Seventh avenue
Cogswell, Prescott F.	Republican	33d	Los Angeles	El Monte
Cohn, P. C.	Democrat	7th	Sacramento	Folsom
Curtin, J. B.	Democrat	12th	Tuolumne	Sonora
Finn, Thomas F.	Republican	23d	San Francisco	925 Howard street
Flint, William R.	Republican	11th	San Benito	Hollister
Gates, Lee C.	Republican	34th	Los Angeles	201 New High street
Gerdes, Fred O.	Republican	21st	San Francisco	2273 Mission street
Grant, Edwin E.	Democrat	19th	San Francisco	2504 Clay street
Hans, George J.	Republican	14th	Alameda	Fruitvale
Hewitt, Leslie E.	Republican	38th	Los Angeles	1213 South Alvarado street
Jones, Herbert J.	Republican	28th	Santa Clara	San Jose
Julliard, L. W.	Democrat	8th	Sonoma	Santa Rosa
Kehoe, William	Republican	1st	Humboldt	Lureka
Larkins, E. O.	Republican	32d	Tulare	Visalia
Lyon, Henry H.	Republican	29th	Los Angeles	829 East Seventh street
Mott, D. W.	Republican	25th	Ventura	Santa Paula
Owens, James O.	Democrat	9th	Contra Costa	Richmond
Regan, D. P.	Republican	18th	San Francisco	1713 Market street
Rush, Benjamin F.	Republican	6th	Solano	Suisun
Sanford, J. B.	Democrat	4th	Mendocino	Ukiah
Shanahan, T. W. II.	Democrat	3d	Shasta	Redding
Strobridge, Ed. K.	Republican	13th	Alameda	Hayward
Thompson, Newton W.	Republican	35th	Los Angeles	Alhambra
Tyrrell, Edward J.	Republican	16th	Alameda	961 Kirkham st., Oakland
Wright, Leroy A.	Republican	40th	San Diego	San Diego

MEMBERS OF THE ASSEMBLY—FORTIETH SESSION, 1913.

C. C. YOUNG, of Berkeley.....Speaker
 W. A. JOHNSTONE, of Los Angeles.....Speaker pro tem.
 L. B. MALLORY, of Los Gatos.....Chief Clerk
 ED R. REESE, of Sacramento.....Sergeant-at-Arms

Name	Politics	District	County	Address
Alexander, John K.	Democrat	48th	Monterey	Salinas
Ambrose, Thomas L.	Republican	66th	Los Angeles	1814 Pennsylvania avenue
Bagby, Henry C.	Democrat	59th	Santa Barbara	Santa Maria
Beck, George	Democrat	34th	Alameda	Livermore
Benedict, Henry S.	Republican	63d	Los Angeles	1739 Kingsley drive
Bloodgood, F. H.	Republican	62d	Los Angeles	Inglewood
Bolnnett, L. D.	Republican	44th	Santa Clara	San Jose
Bowman, D. D.	Republican	43d	Santa Cruz	Ben Lomond
Bradford, Hugh B.	Democrat	15th	Sacramento	Sacramento
Brown, Henry Ward.	Republican	42d	San Mateo	Colma
Bush, William B.	Republican	26th	San Francisco	33 Diamond street

MEMBERS OF THE ASSEMBLY—Continued.

Name	Politics	District	County	Address
Byrnes, Charles W.	Republican	17th	Marin	San Rafael
Cunepa, Victor J.	Republican	33d	San Francisco	451 Union street
Cary, L. B.	Republican	52d	Fresno	Redley
Chandler, W. F.	Republican	50th	Fresno	Fresno
Clark, William C.	Republican	37th	Alameda	53 Montecito st., Oakland
Clarke, George A.	Republican	47th	Inyo	Bishop
Collins, William M.	Republican	24th	San Francisco	268 Day street
Cram, James E.	Republican	58th	San Bernardino	Highland
Dowor, Will A.	Democrat	16th	Calaveras	San Andreas
Ellis, William H.	Republican	77th	Riverside	Riverside
Emmons, Elijah A.	Republican	71st	Los Angeles	5843 Denver avenue
Farwell, Lyman	Republican	75th	Los Angeles	2908 Figueroa street
Ferguson, Daniel	Republican	38th	Alameda	65 Seventh st., Oakland
Finnegan, George B.	Democrat	9th	Nevada	Nevada City
Fish, Howard J.	Republican	67th	Los Angeles	Pasadena
Fitzgerald, George	Republican	39th	Alameda	1432 14th st., Oakland
Ford, John J., Jr.	Democrat	22d	San Francisco	801 Mendell street
Gabbert, Thomas G.	Republican	60th	Ventura	Ventura
Gates, Egbert J.	Republican	67th	Los Angeles	South Pasadena
Gelder, George	Republican	40th	Alameda	Berkeley
Green, A. B.	Republican	53d	San Luis Obispo	San Luis Obispo
Griffin, J. J.	Democrat	49th	Merced	Merced
Gulberson, J. W.	Democrat	54th	Kings	Corcoran
Guill, John H., Jr.	Democrat	7th	Butte	Orlco
Hayes, D. B.	Republican	45th	Santa Clara	San Jose
Hinkle, E. C.	Republican	79th	San Diego	San Diego
Inman, J. M.	Republican	14th	Sacramento	Sacramento
Johnson, George H.	Republican	57th	San Bernardino	San Bernardino
Johnston, T. D.	Republican	18th	Contra Costa	Richmond
Johnstone, W. A.	Republican	68th	Los Angeles	San Dimas
Judson, Fred E.	Republican	80th	San Diego	Pasadena
Killingsworth, W. S., Sr.	Democrat	10th	Solano	Yacaville
Kingsley, C. W.	Socialist	65th	Los Angeles	407 Daly street
Kuck, Arthur G.	Republican	72d	Los Angeles	2662 Vermont ave
Libby, G. W.	Democrat	12th	Sonoma	Sebastopol
McCarthy, William O.	Democrat	25th	San Francisco	2897 Folsom street
McDonald, Walter A.	Republican	21st.	San Francisco	503 Minnesota street
Moorhouse, H. W.	Republican	78th	Imperial	Heber
Morgenstern, Alfred	Republican	35th	Alameda	Alameda
Mouser, Frank H.	Republican	71th	Los Angeles	771 Maple avenue
Murray, J. A.	Republican	8th	Yolo	Woodland
Nelson, H. C.	Republican	2d	Humboldt	Eureka
Nolan, Edward J. D.	Republican	30th	San Francisco	1338 McAllister street
Palmer, James M.	Democrat	11th	Napa	Napa
Pearls, Howard A.	Republican	73d	Los Angeles	166 East Thirty-sixth place
Polsley, Harry	Democrat	5th	Tehama	Red Bluff
Richardson, I. A.	Democrat	29th	San Francisco	3634 Seventeenth avenue
Roberts, W. A.	Republican	61st	Los Angeles	5327 Monte Vista street
Ryan, James J.	Republican	23d	San Francisco	3392 Harrison street
Schmitt, Milton L.	Republican	31st	San Francisco	460 Montgomery street
Scott, William S.	Republican	25th	San Francisco	427 Ninth avenue
Shannon, Arthur L.	Democrat	32d	San Francisco	615 Post street
Shartel, A. F.	Republican	4th	Modoc	Alturas
Shearer, William B.	Democrat	1st	Siskiyou	Yreka
Simpson, William E.	Democrat	59th	Kern	Bakersfield
Slater, H. W.	Democrat	13th	Sonoma	Santa Rosa
Smith, Frank M.	Republican	35th	Alameda	1929 24th avenue, Oakland
Strine, John H.	Republican	70th	Los Angeles	Downey
Stuckenbruck, J. W.	Democrat	19th	San Joaquin	Acampo
Sutherland, W. A.	Republican	51st	Fresno	Fresno
Tulloch, David W.	Democrat	43th	Stanislaus	Oakdale
Wall, W. O.	Democrat	20th	San Joaquin	Stockton
Walsh, Edward P.	Democrat	27th	San Francisco	19 Bonlah street
Welsch, Hans V.	Republican	70th	Orange	Anaheim
Weldon, T. J.	Democrat	6th	Mendocino	Ukiah
White, C. William	Republican	3d	Trinity	Weaverville
Woodley, Frank E.	Republican	64th	Los Angeles	470 Hartford avenue
Wyllie, G. W.	Republican	56th	Tulare	Deluba
Young, O. C.	Republican	41st	Alameda	Berkeley

COMMISSIONERS OF DEEDS.

Name	Residence	Term expires
	Arizona.	
Frank Baxter	Yuma	April 6, 1915
	Colorado.	
Clarence S. Nettles	Denver	January 16, 1916
	District of Columbia.	
Anson S. Taylor	Washington	March 21, 1915
Isaac R. Hitt	Washington	February 26, 1916
John E. Mitchell	Washington	April 23, 1916
	Massachusetts.	
Blanche I. Brackett	Boston	January 12, 1916
John Dearborn	Malden	June 8, 1916
	New Jersey.	
Richard Stockton	Newark	January 16, 1916
	New York.	
Joseph B. Braman	New York City	March 10, 1915
William F. Lett	New York City	March 14, 1915
William Johnson	New York City	September 7, 1915
George H. Corey	New York City	December 2, 1915
Irvlin J. Well	New York City	April 13, 1916
John J. Dwyer	New York City	January 27, 1916
Klla F. Braman	New York City	April 10, 1916
	Oregon.	
Arthur P. Tit	Portland	September 13, 1914
	Pennsylvania.	
Robert W. Lloyd	Philadelphia	March 1, 1915
Eibert Williamson	Philadelphia	March 23, 1915
Kinley J. Tener	Philadelphia	August 14, 1915
Thomas J. Hunt	Philadelphia	November 6, 1915
	Rhode Island.	
Edwin C. Potter	Providence	January 19, 1916
	Great Britain.	
James Gordon Mason	Edinburgh, Scotland	October 1, 1913
Robert Willoughby Hamilton	Donra, England	December 8, 1913
Lucas D. Grav	Ballybay, Ireland	May 6, 1914
J. Cato Worsfold	London, England	June 10, 1914
J. Burke Hendry	London, England	November 14, 1914
Claude Basil Lumley	London, England	January 9, 1915
George McDowie	Belfast, Ireland	February 6, 1915
Horathus Stuart	Edinburgh, Scotland	April 10, 1915
Frederick Patterson Miligan	Edinburgh, Scotland	April 10, 1915
Francis V. Dureh	London, England	April 24, 1915
Sydney R. Pollard	London, England	July 27, 1915
George W. Edwards	Liverpool, England	October 6, 1915
John C. O'Curroll	Carrickmacross, Ireland	February 29, 1916
Allen E. Messer	London, England	March 12, 1916
Sydney H. Pecklar	London, England	March 21, 1916
Thomas J. McGrath	Dublin, Ireland	April 11, 1916
Charles E. Murphy	Oookhill, Ireland	April 15, 1916
Alexander T. Lang	Carrickmacross, Ireland	April 30, 1916
Alexander Bell Ferguson	Glasgow, Scotland	June 7, 1916
William Woods	Clones, Ireland	February 20, 1917
	Italy.	
Charles McNamee	Rome	March 2, 1915
	France.	
Wm. H. Paulding Emrich	Paris	October 13, 1914
Augusto Pauley	Paris	July 6, 1915
Charles G. Loeb	Paris	October 22, 1915
Leon Violet	Paris	June 13, 1917
	Germany.	
Robert Kuehnert	Berlin	August 7, 1915
	Hawaii.	
Carl F. Smith	Hilo	October 14, 1913
George A. Davis	Honolulu	December 31, 1916
Patrick Henry Burnette	Honolulu	February 14, 1917
J. S. Walker	Honolulu	July 8, 1917

CONSTITUTION OF THE STATE OF CALIFORNIA.

PREAMBLE AND DECLARATION OF RIGHTS.

PREAMBLE.

We, the people of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

SEC. 3. The State of California is an inseparable part of the American Union, and the constitution of the United States is the supreme law of the land.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this state; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishment be inflicted. Witnesses shall not be unreasonably detained, nor confined in any room where criminals are actually imprisoned.

SEC. 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases not amounting to felony, by the consent of both parties, expressed in open court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court.

SEC. 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information, after examination and commitment by a magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. A grand jury shall be drawn and summoned at least once a year in each county.

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. Indictments found, or information laid, for publications in newspapers, shall be tried in the county where such newspapers have their publication office, or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause.

SEC. 10. The people shall have the right to freely assemble together to consult for the common good, to instruct their representatives, and to petition the legislature for redress of grievances.

SEC. 11. All laws of a general nature shall have a uniform operation.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this state in time of peace, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

SEC. 13. In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law. The legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses, in criminal cases other than cases of homicide, when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

SEC. 14. Private property shall not be taken or damaged for public use without just compensation having first been made to, or paid into court for, the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefits from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law. The taking of private property for a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for a public use, and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon and thereby become a common carrier. [Amendment adopted October 10, 1911.]

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud, nor in civil actions for torts, except in cases of wilful injury to person or property; and no person shall be imprisoned for a militia fine in time of peace.

SEC. 16. No bill of attainder, *ex post facto* law, or law impairing the obligations of contracts, shall ever be passed.

SEC. 17. Foreigners of the white race, or of African descent, eligible to become citizens of the United States, under the naturalization laws thereof, while bona fide residents of this state, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of all property, other than real estate, as native born citizens: *provided*, that such aliens owning real estate at the time of the adoption of this amendment may remain such owners; and *provided further*, that the legislature may, by statute, provide for the disposition of real estate which shall hereafter be acquired by such aliens by descent or devise. [Amendment adopted November 6, 1894.]

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state.

SEC. 19. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized.

SEC. 20. Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

SEC. 21. No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the legislature, nor shall any citizen, or class of citizens, be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens.

SEC. 22. The provisions of this constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

SEC. 23. This enumeration of rights shall not be construed to impair or deny others retained by the people.

SEC. 24. No property qualification shall ever be required for any person to vote or hold office.

SEC. 25. The people shall have the right to fish upon and from the public lands of the state and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the state shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this state for the purpose of fishing in any water containing fish that have been planted therein by the state: *provided*, that the legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken. [New section; adopted November 8, 1910.]

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every native citizen of the United State, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the state

one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this state; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect. [*Amendment adopted October 10, 1911.*]

SEC. 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

SEC. 2½. The legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties; and the legislature shall enact laws providing for the direct nomination of candidates for public office by electors, political parties, or organizations of electors without conventions, at elections to be known and designated as primary elections; and also to determine the tests and conditions upon which electors, political parties, or organizations of electors may participate in any such primary election. It shall also be lawful for the legislature to prescribe that any such primary election shall be mandatory and obligatory. The legislature shall also have the power to establish the rates of compensation for primary election officers serving at such primary elections in any city, or city and county, or county, or other subdivision of a designated population, without making such compensation uniform, and for such purpose such law may declare the population of any city, city and county, county or political subdivision. *Provided, however*, that until the legislature shall enact a direct primary election law under the provisions of this section, the present primary election law shall remain in force and effect. [*Amendment adopted November 3, 1908.*]

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this state, or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept in any almshouse or other asylum, at public expense; nor while confined in any public prison.

SEC. 5. All elections by the people shall be by ballot or by such other method as may be prescribed by law; *provided*, that secrecy in voting be preserved. [*Amendment adopted November 3, 1896.*]

SEC. 6. The inhibitions of this constitution to the contrary notwithstanding, the legislature shall have power to provide that in different parts of the state different methods may be employed for receiving and registering the will of the people as expressed at elections, and may provide that mechanical devices may be used within designated subdivisions of the state at the option of the local authority indicated by the legislature for that purpose. [*New section; adopted November 4, 1902.*]

ARTICLE III.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of the State of California shall be divided into three separate departments—the legislative, executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except as in this constitution expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this state shall be vested in a senate and assembly which shall be designated "The legislature of the State of California," but the people reserve to themselves the power to propose laws and amendments to the constitution, and to adopt or reject the same, at the polls independent of the legislature, and also reserve the power, at their own option, to so adopt or reject any act, or section or part of any act, passed by the legislature. The enacting clause of every law shall be "The people of the State of California do enact as follows:—"

The first power reserved to the people shall be known as the initiative. Upon the presentation to the secretary of state of a petition certified as herein provided to have been signed by qualified electors, equal in number to eight per cent of all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, proposing a law or amendment to the constitution, set forth in full in said petition, the secretary of state shall submit the said proposed law or amendment to the electors at the next succeeding general

election occurring subsequent to ninety days after the presentation aforesaid of said petition, or at any special election called by the governor in his discretion prior to such general election. All such initiative petitions shall have printed across the top thereof in twelve point black-face type the following: "Initiative measure to be submitted directly to the electors."

Upon the presentation to the secretary of state, at any time not less than ten days before the commencement of any regular session of the legislature, of a petition certified as herein provided to have been signed by qualified electors of the state equal in number to five per cent of all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, proposing a law set forth in full in said petition, the secretary of state shall transmit the same to the legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected without change or amendment by the legislature, within forty days from the time it is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the legislature, within said forty days, the secretary of state shall submit it to the people for approval or rejection at the next ensuing general election. The legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a ye and nay vote upon separate roll call, and in such event both measures shall be submitted by the secretary of state to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the governor, in his discretion, for such purpose. All said initiative petitions last above described shall have printed in twelve point black-face type the following: "Initiative measure to be presented to the legislature."

The second power reserved to the people shall be known as the referendum. No act passed by the legislature shall go into effect until ninety days after the final adjournment of the session of the legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the state, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a statement of the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a ye and nay vote, upon a separate roll call thereon; provided, however, that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the legislature and declared to be an urgency measure shall go into immediate effect.

Upon the presentation to the secretary of state within ninety days after the final adjournment of the legislature of a petition certified as herein provided, to have been signed by qualified electors equal in number to five per cent of all the votes cast for all candidates for governor at the last preceding general election at which a governor was elected, asking that any act or section or part of any act of the legislature be submitted to the electors for their approval or rejection, the secretary of state shall submit to the electors for their approval or rejection, such act, or section or part of such act, at the next succeeding general election occurring at any time subsequent to thirty days after the filing of said petition or at any special election which may be called by the governor, in his discretion, prior to such regular election, and no such act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of any act the remainder of such act shall not be delayed from going into effect.

Any act, law or amendment to the constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon, at any election, shall take effect five days after the date of the official declaration of the vote by the secretary of state. No act, law or amendment to the constitution, initiated or adopted by the people, shall be subject to the veto power of the governor, and no act, law or amendment to the constitution, adopted by the people at the polls under the initiative provisions of this section, shall be amended or repealed except by a vote of the electors, unless otherwise provided in said initiative measure; but acts and laws adopted by the people under the referendum provisions of this section may be amended by the legislature at any subsequent session thereof. If any provision or provisions of two or more measures, approved by the electors at the same election, conflict, the provision or provisions of the measure receiving the highest affirmative vote shall prevail. Until otherwise provided by law, all measures submitted to a vote of the electors, under the provisions of this section, shall be printed, and together with arguments for and against each such measure by the proponents and opponents thereof, shall be mailed to each elector in the same manner as now provided by law as to amendments to the constitution, proposed by the legislature; and the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the senate.

If for any reason any initiative or referendum measure, proposed by petition as

herein provided, be not submitted at the election specified in this section, such failure shall not prevent its submission at a succeeding general election, and no law or amendment to the constitution, proposed by the legislature, shall be submitted at any election unless at the same election there shall be submitted all measures proposed by petition of the electors, if any be so proposed, as herein provided.

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the state shall be competent to solicit said signatures within the county or city and county of which he is an elector. Each section of the petition shall bear the name of the county or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

Each section of the petition shall be filed with the clerk or registrar of voters of the county or city and county in which it was circulated, but all said sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the filing of such petition in his office the said clerk, or registrar of voters, shall determine from the records of registration what number of qualified electors have signed the same, and if necessary the board of supervisors shall allow said clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to said petition, except the signatures thereto appended, his certificate, properly dated, showing the result of said examination and shall forthwith transmit said petition, together with his said certificate, to the secretary of state and also file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar to the secretary of state, a supplemental petition identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid. The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof, as of the original petition, and upon the completion of such examination shall forthwith attach to said petition his certificate, properly dated, showing the result of said examination, and shall forthwith transmit a copy of said supplemental petition, except the signatures thereto appended, together with his certificate, to the secretary of state.

When the secretary of state shall have received from one or more county clerks or registrars of voters a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the state his certificate showing such fact. A petition shall be deemed to be filed with the secretary of state upon the date of the receipt by him of a certificate or certificates showing said petition to be signed by the requisite number of electors of the state. Any county clerk or registrar of voters shall, upon receipt of such copy, file the same for record in his office. The duties herein imposed upon the clerk or registrar of voters shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The initiative and referendum powers of the people are hereby further reserved to the electors of each county, city and county, city and town of the state, to be exercised under such procedure as may be provided by law. Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising the initiative and referendum powers herein reserved to such counties, cities and counties, cities and towns, but shall not require more than fifteen per cent of the electors thereof to propose any initiative measure nor more than ten per cent of the electors thereof to order the referendum. Nothing contained in this section shall be construed as affecting or limiting the present or future powers of cities or cities and counties having charters adopted under the provisions of section eight of article eleven of this constitution. In the submission to the electors of any measure under this section, all officers shall be guided by the general laws of this state, except as is herein otherwise provided. This section is self-executing, but legislation may be enacted to facilitate its operation, but in no

way limiting or restricting either the provisions of this section or the powers herein reserved. [*Amendment adopted October 10, 1911.*]

SEC. 2. The sessions of the legislature shall be biennial, unless the governor shall, in the interim, convene the legislature, by proclamation, in extraordinary session. All sessions, other than extraordinary, shall commence at twelve o'clock m., on the first Monday after the first day of January next succeeding the election of its members, and shall continue in session for a period not exceeding thirty days thereafter; whereupon a recess of both houses must be taken for not less than thirty days. On the reassembling of the legislature, no bill shall be introduced in either house without the consent of three fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembling. [*Amendment adopted October 10, 1911.*]

SEC. 3. Members of the assembly shall be elected in the year eighteen hundred and seventy-nine, at the time and in the manner now provided by law. The second election of members of the assembly, after the adoption of this constitution, shall be on the first Tuesday after the first Monday in November, eighteen hundred and eighty. Thereafter members of the assembly shall be chosen biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the legislature.

SEC. 4. Senators shall be chosen for the term of four years, at the same time and places as members of the assembly, and no person shall be a member of the senate or assembly who has not been a citizen and inhabitant of the state three years, and of the district for which he shall be chosen one year, next before his election.

SEC. 5. The senate shall consist of forty members, and the assembly of eighty members, to be elected by districts, numbered as hereinafter provided. The seats of the twenty senators elected in the year eighteen hundred and eighty-two from the odd-numbered districts shall be vacated at the expiration of the second year, so that one half of the senators shall be elected every two years; *provided*, that all the senators elected at the first election under this constitution shall hold office for the term of three years.

SEC. 6. For the purpose of choosing members of the legislature, the state shall be divided into forty senatorial and eighty assembly districts, as nearly equal in population as may be, and composed of contiguous territory, to be called senatorial and assembly districts. Each senatorial district shall choose one senator, and each assembly district shall choose one member of assembly. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and the assembly districts shall be numbered from one to eighty in the same order, commencing at the northern boundary of the state and ending at the southern boundary thereof. In the formation of such districts no county, or city and county, shall be divided, unless it contains sufficient population within itself to form two or more districts, nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any district. The census taken under the direction of the congress of the United States in the year one thousand eight hundred and eighty, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, senators and assemblymen shall be elected by the districts according to the apportionment now provided for by law.

SEC. 7. Each house shall choose its officers, and judge of the qualifications, elections, and returns of its members.

SEC. 8. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SEC. 9. Each house shall determine the rule of its proceedings, and may, with the concurrence of two thirds of all the members elected, expel a member.

SEC. 10. Each house shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either house, on any question, shall, at the desire of any three members present, be entered on the journal.

SEC. 11. Members of the legislature shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the legislature, nor for fifteen days next before the commencement and after the termination of each session.

SEC. 12. When vacancies occur in either house, the governor, or the person exercising the functions of the governor, shall issue writs of election to fill such vacancies.

SEC. 13. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which they may be sitting. Nor shall the members of either house draw pay for any recess or adjournment for a longer time than three days.

SEC. 15. No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same be read on three several days in each house, unless, in case of urgency, two thirds of the house where such bill may be pending shall, by a vote of yeas and nays, dispense with this provision. Any bill may originate in either house, but may be amended or rejected by the other; and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the journal, and no bill shall become a law without the concurrence of a majority of the members elected to each house.

SEC. 16. Every bill which may have passed the legislature shall, before it becomes a law, be presented to the governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter such objections upon the journal and proceed to reconsider it. If after such reconsideration, it again pass both houses, by yeas and nays, two thirds of the members elected to each house voting therefor, it shall become a law, notwithstanding the governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the legislature, by adjournment, prevents such return, in which case it shall not become a law, unless the governor, within thirty days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the secretary of state, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the governor's veto, as hereinbefore provided. If the legislature be in session, the governor shall transmit to the house in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the governor. [*Amendment adopted November 3, 1903.*]

SEC. 17. The assembly shall have the sole power of impeachment, and all impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the members elected.

SEC. 18. The governor, lieutenant governor, secretary of state, controller, treasurer, attorney general, surveyor general, chief justice and associate justices of the supreme court, judges of the district courts of appeal, and judges of the superior courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under the state; but the party convicted or acquitted shall nevertheless be liable to judgment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the legislature may provide. [*Amendment adopted October 10, 1911.*]

SEC. 19. No senator or member of assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this state which shall have been created, or the emoluments of which have been increased, during such term, except such offices as may be filled by election by the people.

SEC. 20. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this state; *provided*, that officers in the militia who receive no annual salary, local officers, or postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed to hold lucrative offices.

SEC. 21. No person convicted of the embezzlement or defalcation of the public funds of the United States, or of any state, or of any county or municipality therein, shall ever be eligible to any office of honor, trust, or profit under this state, and the legislature shall provide, by law, for the punishment of embezzlement or defalcation as a felony.

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the controller; and no money shall ever be appropriated or drawn from the state treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution nor under the exclusive management and control of the state as a state institution, nor shall any grant or donation of property ever be made thereto by the state; *provided*, that notwithstanding anything contained in this or any other section of this constitution, the legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided, further*, that the state shall have at any time the right to inquire into the management of such institution; *provided, further*, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled

to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the legislature; *provided, however*, that for the purpose of raising five million dollars (\$5,000,000), to be used in establishing, maintaining, and supporting in the city and county of San Francisco, State of California, an exposition in commemoration of the completion of the Panama canal, to be known as the Panama-Pacific international exposition, the state board of equalization shall, for the fiscal year beginning July 1, 1911, and for each fiscal year thereafter, and including the fiscal year beginning July 1, 1914, fix, establish, and levy such an ad valorem rate of taxation, as when levied upon all the taxable property in the state, after making due allowance for delinquency, shall produce for each of such fiscal years a sum of one million two hundred and fifty thousand dollars (\$1,250,000). The said taxes shall be levied, assessed, and collected upon every kind and character of property in the State of California not exempt from taxation under the law, and subject to taxation on the first day of July, 1910, and in the same manner, and by the same method, as other state taxes were levied, assessed, and collected under the law, as the same existed on the first day of July, 1910. The state board of equalization shall each year, at the time it determines the amount of revenue required for other state purposes, determine, fix, and include the rate of tax necessary to raise the revenue herein provided for.

There is hereby created in the state treasury a fund to be known as the Panama-Pacific international exposition fund, and all moneys collected pursuant to this provision, after deducting the proportionate share of the expense for the collection of the same, shall be paid into the state treasury, and credited to such fund. All moneys so paid into such fund are hereby appropriated, without reference to fiscal years, for the use, establishment, maintenance, and support of said Panama-Pacific international exposition. No tax, license fee, or charge of any kind or character shall ever be levied or assessed or charged against any property of said Panama-Pacific international exposition, or against any property used as exhibit therein, while being used or exhibited in connection therewith.

There is hereby created a commission to be known as the Panama-Pacific international exposition commission of the State of California, which shall consist of the governor of said state and four other members to be appointed by the governor, by and with the advice and consent of the senate of said state. The governor shall have the power to fill all vacancies occurring at any time in said commission. The members of said commission shall receive no compensation and shall hold office until such exposition shall have been closed and its affairs settled. Said four members of said commission shall be selected from different sections of the state, and the appointment thereof shall be made by the governor of the state during the month of February, 1911. The commission hereby created shall have the exclusive charge and control of all moneys paid into the Panama-Pacific international exposition fund; *and provided, further, that the legislature shall pass all laws necessary to carry out the provisions of this act, including the times and the manner in which and the terms and conditions upon which moneys shall be drawn from the state treasury by said commission; where contracts and vouchers shall be filed; to whom and how often reports shall be made; what disposition shall be made of any sum left unexpended or received from the sale of any property or buildings purchased or constructed by said commission for the use of said exposition, or of any disposition of any building or improvement constructed by said commission out of said fund, and to provide for the transfer to the general fund of the State of California of any portion of said Panama-Pacific international exposition fund unused.*

The commission herein created is authorized and directed to make such proper contracts with the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California on the 22d day of March, 1910, as will entitle the State of California to share proportionately with the contributors to the said Panama-Pacific international exposition in the returns from the holding of said exposition at the city and county of San Francisco. [*Amendment adopted November 8, 1910.*]

SEC. 23. The members of the legislature shall receive for their services the sum of one thousand dollars each for each regular session, to be paid at such times during the session as may be provided by law, and the sum of ten dollars each for each day while in attendance at a special or extraordinary session, for a number of days not exceeding thirty; and mileage to be fixed by law, all paid out of the state treasury; such mileage shall not exceed ten cents per mile; and each member shall be allowed contingent expenses not exceeding twenty-five dollars per member for each regular biennial session. The legislature may also provide for additional help; but in no case shall the total expense for officers, employees and attachés exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employee or attaché be increased after he is elected or appointed. [*Amendment adopted November 3, 1908.*]

SEC. 23a. The legislature may also provide for the employment of help; but in no case shall the total expense for officers, employees and attachés exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the

sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employee or attaché be increased after he is elected or appointed. [*New section; adopted November 3, 1908.*]

SEC. 24. Every act shall embrace but one subject, which subject shall be expressed in its title. But if any subject shall be embraced in an act which shall not be expressed in its title, such act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but in such case the act revised or section amended shall be re-enacted and published at length as revised or amended; and all laws of the State of California, and all official writings, and the executive, legislative and judicial proceedings, shall be conducted, preserved, and published in no other than the English language.

SEC. 25. The legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

First—Regulating the jurisdiction and duties of justices of the peace, police judges, and of constables.

Second—For the punishment of crimes and misdemeanors.

Third—Regulating the practice of courts of justice.

Fourth—Providing for changing the venue in civil or criminal actions.

Fifth—Granting divorces.

Sixth—Changing the names of persons or places.

Seventh—Authorizing the laying out, opening, altering, maintaining or vacating roads, highways, streets, alleys, town plots, parks, cemeteries, graveyards, or public grounds not owned by the state.

Eighth—Summoning and impaneling grand and petit juries, and providing for their compensation.

Ninth—Regulating county and township business, or the election of county and township officers.

Tenth—For the assessment or collection of taxes.

Eleventh—Providing for conducting elections, or designating the places of voting, except on the organization of new counties.

Twelfth—Affecting estates of deceased persons, minors, or other persons under legal disabilities.

Thirteenth—Extending the time for the collection of taxes.

Fourteenth—Giving effect to invalid deeds, wills, or other instruments.

Fifteenth—Refunding money paid into the state treasury.

Sixteenth—Releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this state, or to any municipal corporation therein.

Seventeenth—Declaring any person of age, or authorizing any minor to sell, lease, or incumber his or her property.

Eighteenth—Legalizing, except as against the state, the unauthorized or invalid act of any officer.

Nineteenth—Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.

Twentieth—Exempting property from taxation.

Twenty-first—Changing county seats.

Twenty-second—Restoring to citizenship persons convicted of infamous crimes.

Twenty-third—Regulating the rate of interest on money.

Twenty-fourth—Authorizing the creation, extension, or impairing of liens.

Twenty-fifth—Chartering or licensing ferries, bridges, or roads.

Twenty-sixth—Remitting fines, penalties, or forfeitures.

Twenty-seventh—Providing for the management of common schools.

Twenty-eighth—Creating offices, or prescribing the powers and duties of officers in counties, cities, cities and counties, township, election or school districts.

Twenty-ninth—Affecting the fees or salary of any officer.

Thirtieth—Changing the law of descent or succession.

Thirty-first—Authorizing the adoption or legitimation of children.

Thirty-second—For limitation of civil or criminal actions.

Thirty-third—In all other cases where a general law can be made applicable.

SEC. 25½. The legislature may provide for the division of the state into fish and game districts, and may enact such laws for the protection of fish and game therein as it may deem appropriate to the respective districts. [*New section; amendment adopted November 4, 1903.*]

SEC. 26. The legislature shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale in this state of lottery or gift enterprise tickets or tickets in any scheme in the nature of a lottery. The legislature shall pass laws to prohibit the fictitious buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange or stock market under the control of any corporation or association. All contracts for the purchase or sale of shares of the capital stock of any corporation or association without any intention on the part of one party to deliver and of the other party to receive the shares, and contemplating merely the payment of differences between the contract and market prices on divers days, shall be void, and neither party to any such contract shall be entitled to recover any damages for failure to perform the

same, or any money paid thereon, in any court of this state. [Amendment adopted November 3, 1908.]

SEC. 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more congressmen; but the legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county containing a population greater than the number required for one congressional district, shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached, by compact adjoining assembly districts, to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts, no assembly district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts.

SEC. 28. In all elections by the legislature the members thereof shall vote *viva voce*, and the vote shall be entered on the journal.

SEC. 29. The general appropriation bill shall contain no item or items of appropriation other than such as are required to pay the salaries of the state officers, the expenses of the government, and of the institutions under the exclusive control and management of the state.

SEC. 30. Neither the legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the state, or any city, city and county, town, or other municipal corporation, for any religious creed, church, or sectarian purpose, whatever; *provided*, that nothing in this section shall prevent the legislature granting aid pursuant to section twenty-two of this article.

SEC. 31. The legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the state, or of any county, city and county, city, township, or other political corporation or subdivision of the state now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value, to any individual, municipal or other corporation whatever; *provided*, that nothing in this section shall prevent the legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the state, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever.

SEC. 32. The legislature shall have no power to grant, or authorize any county or municipal authority to grant, any extra compensation or allowance to any public officer, agent, servant, or contractor, after service has been rendered, or a contract has been entered into and performed, in whole or in part; nor to pay, or to authorize the payment of, any claim hereafter created against the state, or any county or municipality of the state, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

SEC. 33. The legislature shall pass laws for the regulation and limitation of the charges for services performed and commodities furnished by telegraph and gas corporations, and the charges by corporations or individuals for storage and wharfage, in which there is a public use; and where laws shall provide for the selection of any person or officer to regulate and limit such rates, no such person or officer shall be selected by any corporation or individual interested in the business to be regulated, and no person shall be selected who is an officer or stockholder in any such corporation.

SEC. 34. No bill making an appropriation of money, except the general appropriation bill, shall contain more than one item of appropriation, and that for one single and certain purpose, to be therein expressed.

SEC. 35. Any person who seeks to influence the vote of a member of the legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of lobbying, which is hereby declared a felony; and it shall be the duty of the legislature to provide, by law, for the punishment of this crime. Any member of the legislature who shall be influenced, in his vote or action upon any matter pending before the legislature, by any reward, or promise of future reward, shall be deemed guilty of a felony, and upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever disquali-

fied from holding any office or public trust. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action, as a member of the legislature, by reward, or promise of future reward, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

SEC. 36. The legislature shall have power to establish a system of state highways or to declare any road a state highway, and to pass all laws necessary or proper to construct and maintain the same, and to extend aid for the construction and maintenance in whole or in part of any county highway. [*New section; adopted November 4, 1902.*]

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled the governor of the state of California.

SEC. 2. The governor shall be elected by the qualified electors at the time and places of voting for members of the assembly, and shall hold his office four years from and after the first Monday after the first day of January subsequent to his election, and until his successor is elected and qualified.

SEC. 3. No person shall be eligible to the office of governor who has not been a citizen of the United States and a resident of this state five years next preceding his election and attained the age of twenty-five years at the time of such election.

SEC. 4. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the legislature. The person having the highest number of votes shall be governor; but in case any two or more have an equal and the highest number of votes, the legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for governor.

SEC. 5. The governor shall be commander-in-chief of the militia, the army and navy of this state.

SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department upon any subject relating to the duties of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the constitution and law for filling such vacancy, the governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the legislature, or the next election by the people.

SEC. 9. He may, on extraordinary occasions, convene the legislature by proclamation, stating the purposes for which he has convened it; and when so convened it shall have no power to legislate on any subject other than those specified in the proclamation, but may provide for the expenses of the session, and other matters incidental thereto.

SEC. 10. He shall communicate, by message to the legislature, at every session, the condition of the state, and recommend such matters as he shall deem expedient.

SEC. 11. In case of a disagreement between the two houses with respect to the time of adjournment, the governor shall have power to adjourn the legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next legislature.

SEC. 12. No person shall, while holding any office under the United States, or this state, exercise the office of governor, except as hereinafter expressly provided.

SEC. 13. There shall be a seal of this state, which shall be kept by the governor, and used by him officially, and shall be called "The great seal of the State of California."

SEC. 14. All grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with the great seal of the state, signed by the governor, and countersigned by the secretary of state.

SEC. 15. A lieutenant governor shall be elected at the same time and place, and in the same manner, as the governor, and his term of office and his qualifications shall be the same. He shall be president of the senate, but shall only have a casting vote therein. [*Amendment adopted November 8, 1898.*]

SEC. 16. In case of the impeachment of the governor, or his removal from office, death, inability to discharge the powers and duties of his office, resignation, or absence from the state, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term, or until the disability shall cease. And should the lieutenant governor be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the state, the president *pro tempore* of the senate shall act as governor until the vacancy in the office of governor shall be filled at the next general election when members of the legislature shall be chosen, or until such disability of the lieutenant governor

shall cease. In case of a vacancy in the office of governor for any of the reasons above named, and neither the lieutenant governor nor the president *pro tempore* of the senate succeed to the powers and duties of governor, then the powers and duties of such office shall devolve upon the speaker of the assembly, until the office of governor shall be filled at such general election. [*Amendment adopted November 8, 1898.*]

SEC. 17. A secretary of state, a controller, a treasurer, an attorney general, and a surveyor general shall be elected at the same time and places, and in the same manner, as the governor and lieutenant governor, and their terms of office shall be the same as that of the governor.

SEC. 18. The secretary of state shall keep a correct record of the official acts of the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the legislature, and shall perform such other duties as may be assigned him by law.

SEC. 19. The governor, lieutenant governor, secretary of state, controller, treasurer, attorney general, and surveyor general shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers, as follows: governor, ten thousand dollars per annum; lieutenant governor, four thousand dollars; the secretary of state, controller, treasurer, and surveyor general, five thousand dollars each per annum, and the attorney general, six thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this constitution. No salary shall be authorized by law for clerical service in any office provided for in this article, exceeding eighteen hundred dollars per annum for each clerk employed. The legislature may, in its discretion, abolish the office of surveyor general; and none of the officers herein-before named shall receive for their own use any fees or perquisites for the performance of any official duty. [*Amendment adopted November 9, 1908.*]

SEC. 20. The governor shall not, during his term of office, be elected a senator to the senate of the United States.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the state shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district courts of appeal, superior courts and such inferior courts as the legislature may establish in any incorporated city or town, township, county, or city and county. [*Amendment adopted October 10, 1911.*]

SEC. 2. The supreme court shall consist of a chief justice and six associate justices. The court may sit in departments and in bank, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, department one and department two. The chief justice shall assign three of the associate justices to each department, and such assignment may be changed by him from time to time. The associate justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves, or as ordered by the chief justice. Each of the departments shall have the power to hear and determine causes, and all questions arising therein, subject to the provisions hereinafter contained in relation to the court in bank. The presence of three justices shall be necessary to transact any business in either of the departments, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment. The chief justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the court to be heard and decided by the court in bank. The order may be made before or after judgment pronounced by a department; but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two associate justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four justices may, either before or after judgment by a department, order a case to be heard in bank. If the order be not made within the time above limited, the judgment shall be final. No judgment by a department shall become final until the expiration of the period of thirty days aforesaid, unless approved by the chief justice, in writing, with the concurrence of two associate justices. The chief justice may convene the court in bank at any time, and shall be the presiding justice of the court when so convened. The concurrence of four justices present at the argument shall be necessary to pronounce a judgment in bank; but if four justices, so present, do not concur in a judgment, then all the justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of four judges shall be necessary. In the determination of causes, all decisions of the court, in bank or in departments, shall be given in writing, and the grounds of the decision shall be stated. The chief justice may sit

in either department, and shall preside when so sitting, but the justices assigned to each department shall select one of their number as presiding justice. In case of the absence of the chief justice from the place at which the court is held, or his inability to act, the associate justices shall select one of their own number to perform the duties and exercise the powers of the chief justice during such absence or inability to act.

SEC. 3. The chief justice and the associate justices shall be elected by the qualified electors of the state at large at the general state elections, at the time and places at which state officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election; *provided*, that the six associate justices elected at the first election shall, at their first meeting, so classify themselves, by lot, that two of them shall go out of office at the end of four years, two of them at the end of eight years, and two of them at the end of twelve years, and an entry of such classification shall be made in the minutes of the court in bank, signed by them, and a duplicate thereof shall be filed in the office of the secretary of state. If a vacancy occur in the office of a justice, the governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general election, and the justice so elected shall hold the office for the remainder of the unexpired term. The first election of the justices shall be at the first general election after the adoption and ratification of this constitution.

SEC. 4. The supreme court shall have appellate jurisdiction on appeal from the superior courts in all cases in equity, except such as arise in justices' courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to two thousand dollars; also, in all such probate matters as may be provided by law; also, on questions of law alone, in all criminal cases where judgment of death has been rendered; the said court shall also have appellate jurisdiction in all cases, matters, and proceedings pending before a district court of appeal, which shall be ordered by the supreme court to be transferred to itself for hearing and decision, as hereinafter provided. The said court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the state, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the supreme court, or before any district court of appeal, or before any judge thereof, or before any superior court in the state, or before any judge thereof.

The state is hereby divided into three appellate districts, in each of which there shall be a district court of appeal consisting of three justices. The first district shall embrace the following counties: San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Fresno, Santa Cruz, Monterey, and San Benito.

The second district shall embrace the following counties: Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego.

The third district shall embrace the following counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Mariposa, Madera, Merced, Tuolumne, Alpine, and Mono.

The supreme court, by orders entered in its minutes, may from time to time remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

Said district courts of appeal shall hold their regular sessions, respectively at San Francisco, Los Angeles, and Sacramento, and they shall always be open for the transaction of business.

The district courts of appeal shall have appellate jurisdiction on appeal from the superior courts in all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and does not amount to two thousand dollars; also, in all cases of forcible and unlawful entry and detainer (except such as arise in justices' courts), in proceedings in insolvency, and in actions to prevent or abate a nuisance; in proceedings of mandamus, certiorari, and prohibition, usurpation of office, contesting elections and eminent domain, and in such other special proceedings as may be provided by law (excepting cases in which appellate jurisdiction is given to the supreme court); also, on questions of law alone, in all criminal cases presented by indictment or information in a court of record, excepting criminal cases where judgment of death has been rendered. The said courts shall also have appellate jurisdiction in all cases, matters, and proceedings pending before the supreme court which shall be ordered by the supreme court to be transferred to a district court of appeal for hearing and decision. The said courts shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary

or proper to the complete exercise of their appellate jurisdiction. Each of the justices thereof shall have power to issue writs of habeas corpus to any part of his appellate district upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the district court of appeal of his district, or before any superior court within his district, or before any judge thereof.

The supreme court shall have power to order any cause pending before the supreme court to be heard and determined by a district court of appeal, and to order any cause pending before a district court of appeal to be heard and determined by the supreme court. The order last mentioned may be made before judgment has been pronounced by a district court of appeal, or within thirty days after such judgment shall have become final therein. The judgments of the district courts of appeal shall become final therein upon the expiration of thirty days after the same shall have been pronounced.

The supreme court shall have power to order causes pending before a district court of appeal for one district to be transferred to the district court of appeal of another district for hearing and decision.

The justices of the district courts of appeal shall be elected by the qualified electors within their respective districts at the general state elections at the times and places at which justices of the supreme court are elected. Their terms of office and salaries shall be the same as those of justices of the supreme court, and their salaries shall be paid by the state. Upon the ratification by the people of this amendment the governor shall appoint nine persons to serve as justices of the district courts of appeal until the first Monday after the first day of January in the year 1907; *provided*, that not more than six of said persons shall be members of the same political party. At the election in the year 1906 nine of such justices shall be elected as above provided, and the justices of each district court of appeal shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of twelve years; an entry of such classification shall be made in the minutes of the court, signed by the three justices thereof, and a duplicate thereof filed in the office of the secretary of state. If any vacancy occur in the office of a justice of the district courts of appeal, the governor shall appoint a person to hold office until the election and qualification of a justice to fill the vacancy; such election shall take place at the next succeeding general state election as aforesaid; the justice then elected shall hold the office for the unexpired term.

One of the justices of each of the district courts of appeal shall be the presiding justice thereof, and as such shall be appointed or elected as the case may be. The presence of three justices shall be necessary for the transaction of any business by such court, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment.

Whenever any justice of the supreme court is for any reason disqualified or unable to act in a cause pending before it, the remaining justices may select one of the justices of a district court of appeal to act *pro tempore* in the place of the justice so disqualified or unable to act.

Whenever any justice of a district court of appeal is for any reason disqualified or unable to act in any cause pending before it, the supreme court may appoint a justice of the district court of appeal of another district, or a judge of a superior court who has not acted in the cause in the court below, to act *pro tempore* in the place of the justice so disqualified or unable to act.

No appeal taken to the supreme court or to a district court of appeal shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such terms as to costs or otherwise as may be just, and shall be proceeded with therein as if regularly appealed thereto.

All statutes now in force allowing, providing for, or regulating appeals to the supreme court shall apply to appeals to the district courts of appeal so far as such statutes are not inconsistent with this article and until the legislature shall otherwise provide.

The supreme court shall make and adopt rules not inconsistent with law for the government of the supreme court and of the district courts of appeal and of the officers thereof, and for regulating the practice in said courts. [*Amendment adopted November 3, 1904.*]

SEC. 4. No judgment shall be set aside, or new trial granted in any criminal case on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless, after an examination of the entire cause including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice. [*New section; amendment adopted October 10, 1911.*]

SEC. 5. The superior court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and

detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for, and said court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in inferior courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the state; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said courts and their judges shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days. [Amendment adopted October 10, 1911.]

SEC. 6. There shall be in each of the organized counties, or cities and counties, of the state, a superior court, for each of which at least one judge shall be elected by the qualified electors of the county, or city and county, at the general state election; *provided*, that until otherwise ordered by the legislature, only one judge shall be elected for the counties of Yuba and Sutter, and that in the city and county of San Francisco there shall be elected twelve judges of the superior court, any one or more of whom may hold court. There may be as many sessions of said court, at the same time, as there are judges thereof. The said judges shall choose, from their own number, a presiding judge, who may be removed at their pleasure. He shall distribute the business of the court among the judges thereof, and prescribe the order of business. The judgments, orders, and proceedings of any session of the superior court held by any one or more of the judges of said courts, respectively, shall be equally effectual as if all the judges of said respective courts presided at such session. In each of the counties of Sacramento, San Joaquin, Los Angeles, Sonoma, Santa Clara, and Alameda there shall be elected two such judges. The term of office of judges of the superior courts shall be six years from and after the first Monday of January next succeeding their election; *provided*, that the twelve judges of the superior court elected in the city and county of San Francisco, at the first election held under this constitution, shall at their first meeting so classify themselves, by lot, that four of them shall go out of office at the end of two years, and four of them shall go out of office at the end of four years, and four of them shall go out of office at the end of six years, and an entry of such classification shall be made in the minutes of the court, signed by them, and a duplicate thereof filed in the office of the secretary of state. The first election of judges of the superior courts shall take place at the first general election held after the adoption and ratification of this constitution. If a vacancy occur in the office of judge of a superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

SEC. 7. In any county, or city and county, other than the city and county of San Francisco, in which there shall be more than one judge of the superior court, the judges of such court may hold as many sessions of said court at the same time as there are judges thereof, and shall apportion the business among themselves as equally as may be.

SEC. 8. A judge of any superior court may hold a superior court in any county, at the request of a judge of the superior court thereof, and upon the request of the governor it shall be his duty so to do. But a cause in the superior court may be tried by a judge *pro tempore*, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, and sworn to try the cause, and the person so selected shall be empowered to act in such capacity in all further proceedings in any suit or proceedings tried before him until the final determination thereof. There may be as many sessions of a superior court at the same time as there are judges thereof, including any judge or judges acting upon request, or any judge or judges *pro tempore*. The judgments, orders, acts and proceedings of any session of any superior court held by one or more judges acting upon request, or judge or judges *pro tempore*, shall be equally effective as if the judge or all of the judges of such court presided at such session. [Amendment adopted November 8, 1910.]

SEC. 9. The legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office. The legislature of the state may, at any time, two thirds of the members of the senate and two thirds of the members of the assembly voting therefor, increase or diminish the number of judges of the superior court in any county, or city and county, in the state; *provided*, that no such reduction shall affect any judge who has been elected.

SEC. 10. Justices of the supreme court, and of the district courts of appeal, and judges of the superior courts may be removed by concurrent resolution of both houses of the legislature adopted by a two-thirds vote of each house. All other

judicial officers, except justices of the peace, may be removed by the senate on the recommendation of the governor; but no removal shall be made by virtue of this section unless the cause thereof be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the yeas and noes shall be entered on the journal. [Amendment adopted November 8, 1904.]

SEC. 11. The legislature shall determine the number of each of the inferior courts in incorporated cities or townships, and in townships, counties, or cities and counties, according to the population thereof and the number of judges or justices thereof, and shall fix by law the powers, duties and responsibilities of each of such courts and of the judges or justices thereof; *provided*, such powers shall not in any case trench upon the jurisdiction of the several courts of record, except that the legislature shall provide that said courts shall have concurrent jurisdiction with the superior courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars. [Amendment adopted October 10, 1911.]

SEC. 12. The supreme court, the district courts of appeal, the superior courts, and such other courts as the legislature shall prescribe, shall be courts of record. [Amendment adopted November 8, 1904.]

SEC. 13. The legislature shall fix by law the jurisdiction of any inferior courts which may be established in pursuance of section one of this article, and shall fix by law the powers, duties, and responsibilities of the judges thereof.

SEC. 14. The county clerks shall be *ex officio* clerks of the courts of record in and for their respective counties, or cities and counties. The legislature may also provide for the appointment, by the several superior courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the judges of the superior courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law. [Amendment adopted October 10, 1911.]

SEC. 15. No judicial officer, except court commissioners, shall receive to his own use any fees or perquisites of office; *provided*, that justices of the peace now holding office shall receive to their own use such fees as are now allowed by law during the terms for which they have been elected. [Amendment adopted October 10, 1911.]

SEC. 16. The legislature shall provide for the speedy publication of such opinions of the supreme court and of the district courts of appeal as the supreme court may deem expedient, and all opinions shall be free for publication by any person. [Amendment adopted November 8, 1904.]

SEC. 17. The justices of the supreme court and of the district courts of appeal, and the judges of the superior courts, shall severally, at stated times during their continuance in office, receive for their service such compensation as is or shall be provided by law. The salaries of the judges of the superior court, in all counties having but one judge, and in all counties in which the terms of the judges of the superior court expire at the same time, shall not hereafter be increased or diminished after their election, nor during the term for which they shall have been elected. Upon the adoption of this amendment the salaries then established by law shall be paid uniformly to the justices and judges then in office. The salaries of the justices of the supreme court and of the district courts of appeal shall be paid by the state. One half of the salary of each superior court judge shall be paid by the state; and the other half thereof shall be paid by the county for which he is elected. On and after the first day of January, A. D. one thousand nine hundred and seven, the justices of the supreme court shall each receive an annual salary of eight thousand dollars, and the justices of the several district courts of appeal shall each receive an annual salary of seven thousand dollars; the said salaries to be payable monthly. [Amendment adopted November 6, 1906.]

SEC. 18. The justices of the supreme court, and of the district courts of appeal, and the judges of the superior courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected. [Amendment adopted November 8, 1904.]

SEC. 19. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

SEC. 20. The style of process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

SEC. 21. The supreme court shall appoint a clerk of the supreme court; *provided*, however, that any person elected to the office of clerk of the supreme court before the adoption hereof, shall continue to hold such office until the expiration of the term for which he may have been elected. Said court may also appoint a reporter and not more than three assistant reporters of the decisions of the supreme court and of the district courts of appeal. Each of the district courts of appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed. [Amendment adopted October 10, 1911.]

SEC. 22. No judge of a court of record shall practice law in any court of this state during his continuance in office.

SEC. 23. No one shall be eligible to the office of a justice of the supreme court, or of a district court of appeal, or of a judge of a superior court, unless he shall have been admitted to practice before the supreme court of the state. [*Amendment adopted November 8, 1904.*]

SEC. 24. No judge of the supreme court nor of a district court of appeal, nor of a superior court, shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undecided, that has been submitted for decision for a period of ninety days. In the determination of causes all decisions of the supreme court and of the district courts of appeal shall be given in writing, and the grounds of the decisions shall be stated. When the justices of a district court of appeal are unable to concur in a judgment, they shall give their several opinions in writing and cause copies thereof to be forwarded to the supreme court. [*Amendment adopted November 8, 1904.*]

SEC. 25. The present supreme court commission shall be abolished at the expiration of its present term of office, and no supreme court commission shall be created or provided for after January 1st, A. D. 1905. [*New section; adopted November 8, 1904.*]

ARTICLE VII.

PARDONING POWER.

SECTION 1. The governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the governor shall have power to suspend the execution of the sentence until the case shall be reported to the legislature at its next meeting, when the legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The governor shall communicate to the legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. Neither the governor nor the legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of a felony, unless upon the written recommendation of a majority of the judges of the supreme court.

ARTICLE VIII.

MILITIA.

SECTION 1. The legislature shall provide, by law, for organizing and disciplining the militia, in such manner as it may deem expedient, not incompatible with the constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the legislature shall, from time to time, direct, and shall be commissioned by the governor. The governor shall have power to call forth the militia to execute the laws of the state, to suppress insurrections, and repel invasions.

SEC. 2. All military organizations provided for by this constitution, or any law of this state, and receiving state support, shall, while under arms, either for ceremony or duty, carry no device, banner, or flag of any state or nation, except that of the United States or the State of California.

ARTICLE IX.

EDUCATION.

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.

SEC. 2. A superintendent of public instruction shall, at each gubernatorial election after the adoption of this constitution, be elected by the qualified electors of the state. He shall receive a salary equal to that of the secretary of state, and shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election.

SEC. 3. A superintendent of schools for each county shall be elected by the qualified electors thereof at each gubernatorial election; *provided*, that the legislature may authorize two or more counties to unite and elect one superintendent for the counties so uniting.

SEC. 4. The proceeds of all lands that have been or may be granted by the United States to this state for the support of common schools, which may be, or may have been, sold or disposed of, and the five hundred thousand acres of land

granted to the new states under an act of congress distributing the proceeds of the public lands among the several states of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as may be granted, or may have been granted, by congress on the sale of lands in this state, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the legislature may provide, shall be inviolably appropriated to the support of common schools throughout the state.

SEC. 5. The legislature shall provide for a system of common schools, by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.

SEC. 6. The public school system shall include day and evening elementary schools, and such day and evening secondary schools, normal schools, and technical schools as may be established by the legislature, or by municipal or district authority. The entire revenue derived from the state school fund and from the general state school tax shall be applied exclusively to the support of day and evening elementary schools; but the legislature may authorize and cause to be levied a special state school tax for the support of day and evening secondary schools and technical schools, or either of such schools, included in the public school system, and all revenue derived from such special tax shall be applied exclusively to the support of the schools for which such special tax shall be levied. [*Amendment adopted November 3, 1908.*]

SEC. 7. The legislature shall provide for the appointment or election of a state board of education, and said board shall provide, compile, or cause to be compiled, and adopt, a uniform series of text-books for use in the day and evening elementary schools throughout the state. The state board may cause such text-books, when adopted, to be printed and published by the superintendent of state printing, at the state printing office; and wherever and however such text-books may be printed and published, they shall be furnished and distributed by the state free of cost or any charge whatever, to all children attending the day and evening elementary schools of the state, under such conditions as the legislature shall prescribe. The text-books, so adopted, shall continue in use not less than four years, without any change or alteration whatsoever which will require or necessitate the furnishing of new books to such pupils, and said state board shall perform such other duties as may be prescribed by law. The legislature shall provide for a board of education in each county in the state. The county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. [*Amendment adopted November 5, 1912.*]

SEC. 8. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this state.

SEC. 9. The University of California shall constitute a public trust, and its organization and government shall be perpetually continued in the form and character prescribed by the organic act creating the same, passed March twenty-third, eighteen hundred and sixty-eight (and the several acts amendatory thereof), subject only to such legislative control as may be necessary to insure compliance with the terms of its endowments and the proper investment and security of its funds. It shall be entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of its regents, and in the administration of its affairs; *provided*, that all the moneys derived from the sale of the public lands donated to this state by act of congress, approved July second, eighteen hundred and sixty-two (and the several acts amendatory thereof), shall be invested as provided by said acts of congress, and the interest of said moneys shall be inviolably appropriated to the endowment, support, and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and the mechanic arts, in accordance with the requirements and conditions of said acts of congress; and the legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the state shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. No person shall be debarred admission to any of the collegiate departments of the university on account of sex.

SEC. 10. The trusts and estates created for the founding, endowment, and maintenance of the Leland Stanford Junior University, under and in accordance with "An act to advance learning," etc., approved March ninth, eighteen hundred and eighty-five, by the endowment grant executed by Leland Stanford and Jane Lathrop Stanford on the eleventh day of November, A. D. eighteen hundred and eighty-five, and recorded in liber eighty-three of deeds, at page twenty-three *et seq.*, records of Santa Clara county, and by the amendments of such grant, and by gifts, grants, bequests, and devises supplementary thereto, and by confirmatory grants, are permitted, approved, and confirmed. The board of trustees of the Leland Stanford

Junior University, or such, or in the name of the institution, or by other intelligible designation of the trustees or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest, for the benefit of the institution, or of any department thereof, and such property, unless otherwise provided, shall be held by the trustees of the Leland Stanford Junior University upon the trusts provided for in the grant founding the university, and amendments thereof, and grants, bequests, and devises supplementary thereto. The legislature, by special act, may grant to the trustees of the Leland Stanford Junior University corporate powers and privileges, but it shall not thereby alter their tenure, or limit their powers or obligations as trustees. All property now or hereafter held in trust for the founding, maintenance, or benefit of the Leland Stanford Junior University, or of any department thereof, may be exempted by special act from state taxation, and all personal property so held, the Palo Alto farm as described in the endowment grant to the trustees of the university, and all other real property so held and used by the university for educational purposes exclusively, may be similarly exempted from county and municipal taxation; *provided*, that residents of California shall be charged no fees for tuition unless such fees be authorized by act of the legislature. [*New section; adopted November 6, 1900.*]

SEC. 11. All property now or hereafter belonging to "The California School of Mechanical Arts," an institution founded and endowed by the late James Lick to educate males and females in the practical arts of life, and incorporated under the laws of the State of California, November twenty-third, eighteen hundred and eighty-five, having its school buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the governor. The legislature may modify, suspend, and revive at will the exemption from taxation herein given. [*New section; adopted November 6, 1900.*]

SEC. 12. All property now or hereafter belonging to the "California Academy of Sciences," an institution for the advancement of science and maintenance of a free museum, and chiefly endowed by the late James Lick, and incorporated under the laws of the State of California, January sixteenth, eighteen hundred and seventy-one, having its buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the governor. The legislature may modify, suspend, and revive at will the exemption from taxation herein given. [*New section; adopted November 8, 1904.*]

SEC. 13. All property now or hereafter belonging to the Cozswell Polytechnical College, an institution for the advancement of learning, incorporated under the laws of the State of California, and having its buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the governor. The legislature may modify, suspend, and revive at will the exemption from taxation herein given. [*New section; adopted November 6, 1906.*]

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

SECTION 1. There shall be a state board of prison directors, to consist of five persons, to be appointed by the governor, with the advice and consent of the senate, who shall hold office for ten years, except that the first appointed shall, in such manner as the legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies occurring shall be filled in like manner. The appointee to a vacancy occurring before the expiration of a term shall hold office only for the unexpired term of his predecessor. The governor shall have the power to remove either of the directors for misconduct, incompetency, or neglect of duty, after an opportunity to be heard upon written charges.

SEC. 2. The board of directors shall have the charge and superintendence of the state prisons, and shall possess such powers and perform such duties, in respect to other penal and reformatory institutions of the state, as the legislature may prescribe.

SEC. 3. The board shall appoint the warden and clerk, and determine the other necessary officers of the prisons. The board shall have power to remove the wardens and clerks for misconduct, incompetency, or neglect of duty. All other officers and employees of the prisons shall be appointed by the warden thereof, and be removed at his pleasure.

SEC. 4. The members of the board shall receive no compensation, other than reasonable traveling and other expenses incurred while engaged in the performance of official duties, to be audited as the legislature may direct.

SEC. 5. The legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the board, wardens, and clerks, and to carry into effect the provisions of this article.

SEC. 6. After the first day of January, eighteen hundred and eighty-two, the labor of convicts shall not be let out by contract to any person, copartnership, company, or corporation, and the legislature shall, by law, provide for the working of convicts for the benefit of the state,

ARTICLE XI.

COUNTIES, CITIES, AND TOWNS.

SECTION 1. The several counties, as they now exist, are hereby recognized as legal subdivisions of this state.

SEC. 2. No county seat shall be removed unless two thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

SEC. 3. The legislature, by general and uniform laws, may provide for the alteration of county boundary lines, and for the formation of new counties; *provided, however,* that no new county shall be established which shall reduce any county to a population of less than twenty thousand; nor shall a new county be formed containing a less population than eight thousand; nor shall any line thereof pass within five miles of the exterior boundary of the city or town in which the county seat of any county proposed to be divided is situated. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken. [*Amendment adopted November 8, 1910.*]

SEC. 4. The legislature shall establish a system of county governments, which shall be uniform throughout the state; and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county, voting at a general election, shall so determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein shall be managed and transacted, in the manner prescribed by such general laws.

SEC. 5. The legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and may also establish fees to be charged and collected by such officers for services performed in their respective offices, in the manner and for the uses provided by law, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made; such compensation, however, shall not, in any class, exceed the sum of three dollars per day and mileage. [*Amendment adopted November 3, 1908.*]

SEC. 6. Corporations for municipal purposes shall not be created by special laws; but the legislature, by general laws, shall provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities and towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this constitution, except in municipal affairs, shall be subject to and controlled by general laws. [*Amendment adopted November 3, 1896.*]

SEC. 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated government. [*Amendment adopted November 6, 1894.*]

SEC. 7½. Any county may frame a charter for its own government consistent with and subject to the constitution (or, having framed such a charter, may frame a new one), relating to the matters hereinafter in this section specified, and none other, by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three fifths of all the members of the board of supervisors of such county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the

same, and to ascertain from the record of the registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors; *provided*, that if a general election shall occur in said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of electors, of candidates for county offices, to be voted for at general elections.

It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said board of supervisors shall thereupon cause said proposed charter to be published for at least ten times in a daily newspaper of general circulation, printed, published and circulated in said county; *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; *and provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than thirty days nor more than sixty days after the completion of such publication, or after such posting; *provided*, that if a general election shall occur in said county not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors, voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the legislature, be made in duplicate, and filed, one in the office of the secretary of state and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said county; *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; *provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at

least one public schoolhouse in each school district in said county. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for governor at the last general election, at which a governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the county clerk, and if signed by the requisite number of qualified electors of such county, shall be presented to the said board of supervisors, by the said county clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said board of supervisors, said board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held under the provisions of this section, for the election of boards of freeholders or for the submission of proposed charters, or any amendment or amendments thereto, shall be called by the board of supervisors, by ordinance, which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance, prior to such election shall be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in said county: *provided*, that if no such daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted by the county clerk in three public places in such county and in or near the entrance to at least one public schoolhouse in each school district therein. In all other respects, every such election shall be held and conducted, the returns thereof canvassed and the result thereof declared by the board of supervisors in the same manner as provided by law for general elections. Whenever boards of freeholders shall be elected, or any such proposed charter, or amendment or amendments thereto, submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto.

It shall be competent, in all charters, framed under the authority given by this section to provide, in addition to any other provisions allowable by this constitution, and the same shall provide, for the following matters:

1. For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said board shall be elected, for the number of members, not less than three, that shall constitute such boards, for their compensation and for their election, either by the electors of the counties at large or by districts; *provided*, that in any event said board shall consist of one member for each district, who must be a qualified elector thereof; and

2. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools, for the election or appointment of said officers, or any of them, for the times at which and the terms for which, said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment; and

3. For the number of justices of the peace and constables for each township, or for the number of such judges and other officers of such inferior courts as may be provided by the constitution or general law, for the election or appointment of said officers, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and if appointed, for the manner of their appointment; and

4. For the powers and duties of boards of supervisors and all other county officers, for their removal and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein; *provided*, that the provisions

of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws; and

5. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attorneys and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such boards of the powers, duties, qualifications and compensation of such persons, the times at which, and terms for which they shall be appointed, and the manner of their appointment and removal; and

6. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

All elective officers of counties, and of townships, of road districts and of highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

All charters framed under the authority given by this section, in addition to the matters herein above specified, may provide as follows:

For offices other than those required by the constitution and laws of the state, or for the creation of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For offices hereafter created by this constitution or by general law, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein, for such purposes, by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebtedness at maturity: *provided*, that any such indebtedness shall not be incurred without the assent of two thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable; *provided, further*, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the state is granted, shall be subject to such regulations and conditions as may be imposed by the legislature.

Whenever any county has framed and adopted a charter, and the same shall have been approved by the legislature, as herein provided, the general laws adopted by the legislature in pursuance of sections four and five of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided, and except that any such charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or division thereof, in office at the time such charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law.

The charter of any county, adopted under the authority of this section, may be surrendered and annulled with the assent of two thirds of the qualified electors of such county, voting at a special election, held for that purpose, and to be ordered and called by the board of supervisors of the county upon receiving a written petition, signed and certified as hereinabove provided for the purposes of the adoption of charters, requesting said board to submit the question of the surrender and annul-

ment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties.

The provisions of this section shall not be applicable to any county that is consolidated with any city. [*New section; adopted October 10, 1911.*]

SEC. 8. Any city containing a population of more than three thousand five hundred inhabitants as ascertained and established by the last preceding census, taken under the direction of the congress of the United States, or by a census of said city, taken subsequent to the aforesaid census, under the direction of the legislative body thereof, under laws authorizing the taking of the census of cities, may frame a charter for its own government, consistent with, and subject to, the constitution, (or, having framed such a charter, may frame a new one), by causing a board of fifteen freeholders, who shall have been, for at least five years, qualified electors thereof, to be elected by the qualified electors of said city, at a general or special municipal election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by a vote of two thirds of all the members of the council, or other legislative body, of such city, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said city, or in pursuance of a petition of qualified electors of said city, as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said city computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said city, may be filed in the office of the city clerk thereof. It shall be the duty of said city clerk, within twenty days after the filing of said petition, to examine the same and to ascertain from the record of the registration of electors of the county, showing the registration of electors of said city, whether the petition is signed by the requisite number of qualified electors of such city. If required by said clerk, the council, or other legislative body, of said city shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall present the said petition to said council, or other legislative body, at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said council, or other legislative body, shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days, nor more than sixty days after the adoption of the ordinance aforesaid, or the presentation of said petition to said council, or other legislative body; *provided*, that if a general municipal election shall occur in said city not less than twenty days, nor more than sixty days, after the adoption of the ordinance aforesaid, or the presentation of said petition to said council, or other legislative body, said board of freeholders may be elected at such general municipal election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections.

It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said council, or other legislative body, to prepare and propose a charter for said city, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the city clerk of said city, and the other in the office of the county recorder of the county in which said city is situated. Said council, or other legislative body, shall, thereupon, cause said proposed charter to be published for at least ten times, in a daily newspaper of general circulation, printed, published and circulated in said city; *provided*, that in any city where no such daily newspaper is printed, published and circulated, such proposed charter shall be published, for at least three times, in at least one weekly newspaper of general circulation, printed, published and circulated in said city, and, in any event, the first publication of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the city clerk. Such proposed charter shall be submitted by said council, or other legislative body, to the qualified electors of said city at a special election held not less than twenty days, nor more than forty days, after the completion of such publication; *provided*, that if a general municipal election shall occur in said city not less than twenty days, nor more than forty days, after the completion of such publication, then such proposed charter may be so submitted at such general election. If a majority of such qualified electors voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such

charter shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, (whether framed under the provisions of this section of the constitution or not,) and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the mayor, or other chief executive officer of said city, and authenticated under the seal of such city, setting forth the submission of such charter to the electors of said city, and its ratification by them, shall, after the approval of such charter by the legislature, be made in duplicate and deposited, one in the office of the secretary of state and the other, after being recorded in the office of the recorder of the county in which such city is situated, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the council, or other legislative body of the city, to the qualified electors thereof at a general or special municipal election held at intervals of not less than two years (except that charter amendments may be submitted at a general municipal election at an interval of less than two years after the last election on charter amendments provided that no other election on charter amendments has been held since the beginning of the last regular session of the state legislature or shall be held prior to the next regular session of the state legislature), and held not less than twenty days, nor more than forty days, after the completion of the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said city, or for three times in at least one weekly newspaper of general circulation, printed, published and circulated in said city, if there be no such daily newspaper. If a majority of such qualified electors voting thereon at such general or special election shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition, as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by fifteen per centum of the qualified electors of the city, computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, is filed in the office of the city clerk of said city, petitioning the council, or other legislative body thereof, to submit any proposed amendment or amendments to the charter of such city, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the city clerk, and if signed by the requisite number of qualified electors of said city, it shall be presented to the said council, or other legislative body, by the said city clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said council, or other legislative body, said council, or other legislative body, must submit the amendment or amendments set forth in said petition to the qualified electors of said city, at a general or special municipal election, held not less than twenty, nor more than forty, days after the completion of the publication of such proposed amendment or amendments, in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the council, or other legislative body. The first publication of any proposed amendment or amendments to such charter so proposed by petition shall be made within fifteen days after the aforesaid presentation of said petition to said council, or other legislative body. In submitting any such charter, amendment or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held in any city under the provisions of this section, for the election of a board of freeholders, or for the submission of any proposed charter or any amendment or amendments thereto, shall be called by the council, or other legislative body thereof, by ordinance, which shall specify the purpose and time of such election, and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance shall, prior to such election, be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper printed, published and circulated in said city. Such election shall be held and conducted, the returns thereof canvassed, and the result thereof declared by the council, or other legislative body of such city, in the manner that is now or may be hereafter provided by general law for such elections in the particulars wherein such provision is now or may hereafter be made therefor, and in all other respects in the manner provided by law for general municipal elections, in so far as the same may be applicable thereto.

Whenever any board of freeholders shall be elected, or any such proposed charter or amendment or amendments thereto shall be submitted at a general municipal

election, the laws governing the election of city officers, or the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto and not inconsistent herewith.

It shall be competent in any charter framed by any city under the authority given in this section, or by amendment to such charter, to provide, in addition to those provisions allowed by this constitution and by the laws of the state, for the establishment of a borough system of government for the whole or any part of the territory of such city, by which one or more districts may be created therein, which districts shall be known as boroughs, and which shall exercise such special municipal powers as may be granted by such charter, and for the organization, regulation, government and jurisdiction of such boroughs.

All the provisions of this section relating to the city clerk shall, in any city and county, be deemed to relate to the clerk of the legislative body thereof. [*Amendment adopted October 10, 1911.*]

Sec. 5a. The charter of the city and county of San Francisco may be amended, in addition to the method and the times provided in section 8 of article XI of the constitution, in the following particulars:

(a) Authorizing the city and county of San Francisco, a municipal corporation, by its legislative authority, to incur a bonded indebtedness in an amount not exceeding five million dollars, and to issue municipal bonds therefor, and to grant and turn over to the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California March 22, 1910) the proceeds of said bonds, the same to be used and disbursed by said exposition company for the purposes of an exposition to be held in the city and county of San Francisco to celebrate the completion of the Panama canal; said bonds, so issued, to be of such form and to be redeemable, registered and converted in such manner and amounts, and at such times not later than forty years from the date of their issue, as such legislative authority shall determine; the interest on said bonds to not exceed five per centum per annum, and said bonds to be exempt from all taxes for state and municipal purposes, and to be sold for not less than par at such times and places, and in such manner, as shall be determined by said legislative authority; the proceeds of said bonds, when sold, to be payable immediately by the treasurer of said city and county to the treasurer of said Panama-Pacific International Exposition Company, upon the demand of said treasurer of said exposition company, without the necessity of the approval of such demand by other authority, the same to be used and disbursed by said Panama-Pacific International Exposition Company for the purposes of such exposition, under the direction and control of such exposition company;

(b) Providing that any bonded indebtedness incurred for the purposes aforesaid shall be exclusive of the bonded indebtedness of the said city and county limited by section 9 of article XII of said charter;

(c) Granting to said Panama-Pacific International Exposition Company the exclusive possession and use, together with the management and control, of that portion of Golden Gate Park in the city and county of San Francisco westerly from Twentieth avenue, as extended, for such exposition purposes, such possession and use, also management and control, to terminate not later than one year after the closing of such exposition;

(d) Granting to said Panama-Pacific International Exposition Company the exclusive possession and use, together with the management and control, for such exposition purposes, of any lands held by the board of education of the city and county of San Francisco, and by the city and county of San Francisco, not in actual use, such possession and use, also management and control, to terminate not later than one year after the closing of such exposition.

(e) Authorizing said Panama-Pacific International Exposition Company to temporarily close streets in the city and county of San Francisco westerly from Twentieth avenue, for such exposition purposes, and to have the exclusive possession and use, together with the management and control, of said streets for such exposition purposes, such possession and use, also management and control of said streets, to terminate not later than one year after the closing of such exposition.

Proposals to amend the charter of the city and county of San Francisco in the foregoing particulars may be submitted by the legislative authority of said city and county to the electors of said city and county, at any general or special election (and a special election may be called therefor) held in said city and county, after the publication of such proposals in a newspaper of general circulation in said city and county, for such time as shall be determined by said legislative authority. Upon the ratification of any such proposed amendment by a majority of the electors of said city and county voting at such election on such proposed amendment, said proposed amendment receiving such majority vote shall become operative immediately as an amendment to said charter, without the necessity of approval thereof by the legislature.

Any act of the legislative authority of the city and county of San Francisco, in submitting to the electors of said city and county, at any general or special election, proposals to amend the charter of said city and county in the foregoing particulars, including any notice by publication or otherwise of such proposals, and of such election, and the holding of such election, in accordance with the provisions hereof,

before the adoption of this amendment, are hereby validated in all respects as if performed subsequent to the adoption of this amendment. The disbursement of all funds obtained from said bonds shall be accounted for by said Panama-Pacific International Exposition Company by an itemized statement thereof to be filed with the auditor of the city and county of San Francisco. [*New section; adopted November 8, 1910.*]

SEC. 8 $\frac{1}{2}$. It shall be competent, in all charters framed under the authority given by section eight of article eleven of this constitution, to provide, in addition to those provisions allowable by this constitution and by the laws of the state, as follows:

1. For the constitution, regulation, government, and jurisdiction of police courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attachés.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which and the times at which any municipal election shall be held and the result thereof determined; for the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation and government of such boards, and of their clerks and attachés; and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent, in any charter framed under said section eight of said article eleven, or by amendment thereto, to provide for the manner in which, the times at which and the terms for which the several county and municipal officers and employees whose compensation is paid by such city and county, excepting judges of the superior court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such consolidated city and county heretofore adopted, and amendments thereto, which are in accordance herewith, are hereby confirmed and declared valid. [*Amendment adopted October 10, 1911.*]

SEC. 9. The compensation of any county, city, town, or municipal officer shall not be increased after his election or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

SEC. 10. [*Repealed November 8, 1910.*]

SEC. 11. Any county, city, town, or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

SEC. 12. The legislature shall have no power to impose taxes upon counties, cities, towns or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

SEC. 13. The legislature shall not delegate to any special commission, private corporation, company, association, or individual, any power to make, control, appropriate, supervise, or in any way interfere with any county, city, town, or municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or assessments, or perform any municipal functions whatever.

SEC. 13 $\frac{1}{2}$. Nothing in this constitution contained shall be construed as prohibiting the state or any county, city and county, city, town, municipality, or other public corporation, issuing bonds under the laws of the state, to make said bonds payable at any place within the United States designated in said bonds. [*New section; adopted November 6, 1905.*]

SEC. 14. The legislature may by general and uniform laws provide for the inspection, measurement and graduation of merchandise, manufactured articles and commodities, and may provide for the appointment of such officers as may be necessary for such inspection, measurement and graduation. [*Amendment adopted October 10, 1911.*]

SEC. 15. Private property shall not be taken or sold for the payment of the corporate debt of any political or municipal corporation.

SEC. 16. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the treasurer, or other legal depository, to the credit of such city, town, or other corporation, respectively, for the benefit of the funds to which they respectively belong.

SEC. 16I. All moneys belonging to the state, or to any county or municipality within this state, may be deposited in any national bank or banks within this state, or in any bank or banks organized under the laws of this state, in such manner and under such conditions as may be provided by law; *provided*, that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States, or of this state or of any county, municipality or school district within this state, or of any irrigation district within this state, to be approved by the officer or officers designated by law, to an amount in value of at least ten per cent in excess of the amount of such deposit; *and provided*, that such bank or banks shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balances therein deposited; *and provided*, that no deposit shall at any one time exceed fifty per cent of the paid-up capital stock of such depository bank or banks; *and provided, further*, that no officer shall deposit at one time more than twenty per cent of such public moneys available for deposit in any bank while there are other qualified banks requesting such deposits. [*Amendment adopted November 5, 1912.*]

SEC. 17. The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

SEC. 18. No county, city, town, township, board of education, or school districts, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; *provided, however*, that the city and county of San Francisco may at any time pay the unpaid claims, with interest thereon at the rate of five per cent per annum, for materials furnished to and work done for said city and county during the forty-first, forty-second, forty-third, forty-fourth, and fiftieth fiscal years, and for unpaid teachers' salaries for the fiftieth fiscal year, out of the income and revenue of any succeeding year or years, the amount to be paid in full of said claims not to exceed in the aggregate the sum of five hundred thousand dollars, and that no statute of limitations shall apply in any manner to these claims; *and provided, further*, that the city of Vallejo, of Solano county, may pay its existing indebtedness incurred in the construction of its waterworks whenever two thirds of the electors thereof voting at an election held for that purpose shall so decide, and that no statute of limitations shall apply in any manner. Any indebtedness or liability incurred contrary to this provision, with the exceptions hereinbefore recited, shall be void. [*Amendment adopted November 6, 1900.*]

Section 18 amended by adding the following, adopted November 6, 1906: The city and county of San Francisco, the city of San Jose and the town of Santa Clara may make provision for a sinking fund, to pay the principal of any indebtedness incurred, or to be hereafter incurred, by it, to commence at a time after the incurring of such indebtedness of not more than a period of one fourth of the time of maturity of such indebtedness, which shall not exceed seventy-five years from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void.

SEC. 19. Any municipal corporation may establish and operate public works for supplying its inhabitants with light, water, power, heat, transportation, telephone service or other means of communication. Such works may be acquired by original construction or by the purchase of existing works, including their franchises, or both. Persons or corporations may establish and operate works for supplying the inhabitants with such services upon such conditions and under such regulations as the municipality may prescribe under its organic law, on condition that the municipal government shall have the right to regulate the charges thereof. A municipal corporation may furnish such services to inhabitants outside its boundaries; *provided*, that it shall not furnish any service to the inhabitants of any other municipality owning or operating works supplying the same service to such inhabitants, without the consent of such other municipality, expressed by ordinance. [*Amendment adopted October 10, 1911.*]

ARTICLE XII.

CORPORATIONS.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act. All laws now in force in this state concerning corporations, and all laws that may be hereafter passed pursuant to this section, may be altered from time to time or repealed.

SEC. 2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

SEC. 3. Each stockholder of a corporation, or joint-stock association, shall be individually and personally liable for such proportion of all its debts and liabilities

contracted or incurred, during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock, or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation or joint-stock association, during the term of office of such director or trustee.

Nothing in the preceding paragraph of this section shall be held to apply to any exposition company organized to promote and carry on any international exposition or world's fair within the State of California, and the liability of stockholders in any such exposition company shall be and the same is hereby limited to an amount not exceeding the par value of the stock of said corporation subscribed for by such stockholders. [*Amendment adopted November 3, 1908.*]

SEC. 4. The term corporations, as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and be subject to be sued, in all courts, in like cases as natural persons.

SEC. 5. The legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws, and the legislature shall provide for the classification of cities and towns by population for the purpose of regulating the business of banking. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States. [*Amendment adopted November 8, 1910.*]

SEC. 6. All existing charters, grants, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this constitution, shall thereafter have no validity.

SEC. 7. The legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any quasi-public corporation now existing or which shall hereafter exist under the laws of this state. The term of existence of any other corporation now or hereafter existing under the laws of this state, may be extended, at any time prior to the expiration of its corporate existence, for a period not exceeding fifty years from the date of such extension, by the vote or written consent of stockholders representing two thirds of its capital stock or of two thirds of the members thereof. A certificate of such vote or consent shall be signed and sworn to by the president and secretary, and by a majority of the directors of the corporation and filed and certified in the manner and upon payment of fees required by law for filing and certifying articles of incorporation, and thereupon the term of the corporation shall be extended for the period specified in such certificate, and such corporation shall thereafter pay all annual or other fees required by law to be paid by corporations. [*Amendment adopted November 3, 1908.*]

SEC. 8. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals; and the exercise of the police power of the state shall never be so abridged or construed as to permit corporations to conduct their business in such manner as to infringe the rights of individuals or the general well-being of the state.

SEC. 9. No corporation shall engage in any business other than that expressly authorized in its charter or the law under which it may have been or may hereafter be organized; nor shall it hold for a longer period than five years any real estate, except such as may be necessary for carrying on its business.

SEC. 10. The legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or any of its privileges.

SEC. 11. No corporation shall issue stock or bonds, except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, at a meeting called for that purpose, giving sixty days' public notice, as may be provided by law.

SEC. 12. In all elections for directors or managers of corporations every stockholder shall have the right to vote, in person or by proxy, the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner, except that members of co-operative societies formed for agricultural, mercantile, and manufacturing purposes may vote on all questions affecting such societies in manner prescribed by law.

SEC. 13. The state shall not, in any manner, loan its credit, nor shall it subscribe to or be interested in the stock of any company, association, or corporation.

SEC. 14. Every corporation other than religious, educational, or benevolent, organ-

ized or doing business in this state, shall have and maintain an office or place in this state for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for inspection by every person having an interest therein, and legislative committees, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them, respectively; the amount of stock paid in, and by whom; the transfers of stock; the amount of its assets and liabilities, and the names and places of residence of its officers.

SEC. 15. No corporation organized outside the limits of this state shall be allowed to transact business within this state on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this state.

SEC. 16. A corporation or association may be sued in the county where the contract is made or is to be performed, or where the obligation or liability arises or the breach occurs; or in the county where the principal place of business of such corporation is situated, subject to the power of the court to change the place of trial, as in other cases.

SEC. 17. All railroad, canal, and other transportation companies are declared to be common carriers, and subject to legislative control. Any association or corporation organized for the purpose under the laws of this state, shall have the right to connect at the state line with railroads of other states. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage, and cars, without delay or discrimination.

SEC. 18. No president, director, officer, agent, or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

SEC. 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in this state; and the acceptance of any such pass or ticket by a member of the legislature, or any public officer, other than railroad commissioner, shall work a forfeiture of his office.

SEC. 20. No railroad or other transportation company shall raise any rate of charge for the transportation of freight or passengers or any charge connected therewith or incidental thereto, under any circumstances whatsoever, except upon a showing before the railroad commission provided for in this constitution, that such increase is justified, and the decision of the said commission upon the showing so made shall not be subject to review by any court except upon the question whether such decision of the commission will result in confiscation of property. [Amendment adopted October 10, 1911.]

SEC. 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state. It shall be unlawful for any railroad or other transportation company to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates; *provided, however*, that upon application to the railroad commission provided for in this constitution such company may, in special cases, after investigation, be authorized by such commission to charge less for longer than for shorter distances for the transportation of persons or property and the railroad commission may from time to time prescribe the extent to which such company may be relieved from the prohibition to charge less for the longer than for the shorter haul. The railroad commission shall have power to authorize the issuance of excursion and commutation tickets at special rates. Nothing herein contained shall be construed to prevent the railroad commission from ordering and compelling any railroad or other transportation company to make reparation to any shipper on account of the rates charged to said shipper being excessive or discriminatory, *provided* no discrimination will result from such reparation. [Amendment adopted October 10, 1911.]

SEC. 22. There is hereby created a railroad commission which shall consist of five members and which shall be known as the railroad commission of the State of California. The commission shall be appointed by the governor from the state at large; *provided*, that the legislature, in its discretion, may divide the state into districts for the purpose of such appointments, said districts to be as nearly equal in population as practicable; *and provided, further*, that the three commissioners in office at the time this section takes effect shall serve out the term for which they were elected, and that two additional commissioners shall be appointed by the governor immediately after the adoption of this section, to hold office during the same term. Upon the expiration of said term, the term of office of each commissioner thereafter shall be six years, except the commissioners first appointed hereunder after such expiration, one of whom shall be appointed to hold office until January 1, 1917, two until

January 1, 1910, and two until January 1, 1921. Whenever a vacancy in the office of commissioner shall occur, the governor shall forthwith appoint a qualified person to fill the same for the unexpired term. Commissioners appointed for regular terms shall at the beginning of the term for which they are appointed, and those appointed to fill vacancies, shall, immediately upon their appointment, enter upon the duties of their offices. The legislature shall fix the salaries of the commissioners, but pending such action the salaries of the commissioners, their officers and employees shall remain as now fixed by law. The legislature shall have the power, by a two-thirds vote of all members elected to each house, to remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency. All of said commissioners shall be qualified electors of this state, and no person in the employ of or holding any official relation to any person, firm or corporation, which said person, firm or corporation is subject to regulation by said railroad commission and no person owning stock or bonds of any such corporation or who is in any manner pecuniarily interested therein, shall be appointed to or hold the office of railroad commissioner. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every order made by a commissioner so designated, pursuant to such inquiry, investigation or hearing, when approved or confirmed by the commission ordered filed in its office, shall be deemed to be the order of the commission.

Said commission shall have the power to establish rates of charges for the transportation of passengers and freight by railroads and other transportation companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates, established by said commission, than the rates, fares and charges which are specified in such tariff. The commission shall have the further power to examine books, records and papers of all railroad and other transportation companies; to hear and determine complaints against railroad and other transportation companies; to issue subpoenas and all necessary process and send for persons and papers; and the commission and each of the commissioners shall have the power to administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record; the commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

No provision of this constitution shall be construed as a limitation upon the authority of the legislature to confer upon the railroad commission additional powers of the same kind or different from those conferred herein which are not inconsistent with the powers conferred upon the railroad commission in this constitution, and the authority of the legislature to confer such additional powers is expressly declared to be plenary and unlimited by any provision of this constitution.

The provisions of this section shall not be construed to repeal in whole or in part any existing law not inconsistent herewith, and the "railroad commission act" of this state approved February 10, 1911, shall be construed with reference to this constitutional provision and any other constitutional provision becoming operative concurrently herewith. And the said act shall have the same force and effect as if the same had been passed after the adoption of this provision of the constitution and of all other provisions adopted concurrently herewith, except that the three commissioners referred to in said act shall be held and construed to be the five commissioners provided for herein. [*Amendment adopted October 10, 1911.*]

SEC. 23. Every private corporation, and every individual or association of individuals, owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, plant, or equipment, or any part of such railroad, canal, pipe line, plant or equipment within this state, for the transportation or conveyance of passengers, or express matter, or freight of any kind, including crude oil, or for the transmission of telephone or telegraph messages, or for the production, generation, transmission, delivery or furnishing of heat, light, water or power, or for the furnishing of storage or wharfage facilities, either directly or indirectly, to or for the public, and every common carrier, is hereby declared to be a public utility subject to such control and regulation by the railroad commission as may be provided by the legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the legislature to be public utilities shall likewise be subject to such control and regulation. The railroad commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities, in the State of California, and to fix the rates to be charged for commodities furnished, or services rendered by public utilities as shall be conferred upon it by the legislature, and the right of the legislature to confer powers upon the railroad commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this constitution.

From and after the passage by the legislature of laws conferring powers upon the railroad commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing

bodies of the several counties, cities and counties, cities and towns, in this state, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the railroad commission; *provided, however*, that this section shall not affect such powers of control over any public utility vested in any city and county, or incorporated city or town as, at an election to be held pursuant to laws to be passed hereafter by the legislature, a majority of the qualified electors voting thereon of such city and county, or incorporated city or town, shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the railroad commission as provided by law; *and provided, further*, that where any such city and county or incorporated city or town shall have elected to continue any powers respecting public utilities, it may, by vote of a majority of its qualified electors voting thereon, thereafter surrender such powers to the railroad commission in the manner to be prescribed by the legislature; or if such municipal corporation shall have surrendered any powers to the railroad commission, it may, by like vote, thereafter reinvest itself with such power. Nothing in this section shall be construed as a limitation upon any power conferred upon the railroad commission by any provision of this constitution now existing or adopted concurrently herewith. [*Amendment adopted October 10, 1911.*]

SEC. 24. The legislature shall pass all laws necessary for the enforcement of the provisions of this article.

ARTICLE XIII.

REVENUE AND TAXATION.

SECTION 1. All property in the state except as otherwise in this constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; *and further provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this state, or to any county or municipal corporation within this state shall be exempt from taxation. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this state. [*Amendment adopted November 8, 1910.*]

SEC. 1½. The property to the amount of one thousand dollars of every resident in this state who has served in the army, navy, marine corps, or revenue marine service of the United States in time of war, and received an honorable discharge therefrom; or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and property to the amount of one thousand dollars of the widow resident in this state, or if there be no such widow, of the widowed mother resident in this state, of every person who has so served and has died either during his term of service or after receiving honorable discharge from said service; and the property to the amount of one thousand dollars of pensioned widows, fathers, and mothers, resident in this state, of soldiers, sailors, and marines who served in the army, navy, or marine corps, or revenue marine service of the United States, shall be exempt from taxation; *provided*, that this exemption shall not apply to any person named herein owning property of the value of five thousand dollars or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars or more. No exemption shall be made under the provisions of this act of the property of a person who is not a legal resident of this state. [*New section; adopted October 10, 1911.*]

SEC. 1¾. All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship shall be free from taxation; *provided*, that no building so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation. [*New section; adopted November 6, 1900.*]

SEC. 1½. All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation, or district (including school, reclamation, and irrigation districts) within said state, shall be free and exempt from taxation. [*New section; adopted November 4, 1902.*]

SEC. 2. Land, and the improvements thereon, shall be separately assessed. Cultivated and uncultivated land, of the same quality, and similarly situated, shall be assessed at the same value.

SEC. 3. Every tract of land containing more than six hundred and forty acres, and which has been sectionized by the United States government, shall be assessed, for the purposes of taxation, by sections or fractions of sections. The legislature

shall provide by law for the assessment, in small tracts, of all lands not sectionized by the United States government.

SEC. 4. [Repealed November 8, 1910.]

SEC. 5. [Repealed November 6, 1906.]

SEC. 6. The power of taxation shall never be surrendered or suspended by any grant or contract to which the state shall be a party.

SEC. 7. The legislature shall have the power to provide by law for the payment of all taxes on real property by installments.

SEC. 8. The legislature shall by law require each taxpayer in this state to make and deliver to the county assessor, annually, a statement, under oath, setting forth specifically all the real and personal property owned by such taxpayer, or in his possession, or under his control, at twelve o'clock meridian on the first Monday of March.

SEC. 9. A state board of equalization, consisting of one member from each congressional district in this state, as the same existed in eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and eighty-six, and at each gubernatorial election thereafter, whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the state for the purposes of taxation. The controller of state shall be ex officio a member of the board. The boards of supervisors of the several counties of the state shall constitute boards of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such state and county boards of equalization are hereby authorized and empowered, under such rules of notice as the county boards may prescribe as to county assessments, and under such rules of notice as the state board may prescribe as to the action of the state board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll; *provided*, that no board of equalization shall raise any mortgage, deed of trust, contract or other obligation by which a debt is secured, money, or solvent credits, above its face value. The present state board of equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The legislature shall have power to redistrict the state into four districts, as nearly equal in population as practical, and to provide for the elections of members of said board of equalization. [Amendment adopted November 4, 1884.]

SEC. 10. All property, except as otherwise in this constitution provided, shall be assessed in the county, city, city and county, town or township, or district in which it is situated, in the manner prescribed by law. [Amendment adopted November 8, 1910.]

SEC. 10½. The personal property of every householder to the amount of one hundred dollars, the articles to be selected by each householder, shall be exempt from taxation. [New section; adopted November 8, 1904.]

SEC. 11. Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this state, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law.

SEC. 12. The legislature shall provide for the levy and collection of an annual poll tax, of not less than two dollars, on every male inhabitant of this state over twenty-one and under sixty years of age, except paupers, idiots, insane persons, and Indians not taxed. Said tax shall be paid into the state school fund.

SEC. 12½. Fruit and nut-bearing trees under the age of four years from the time of planting in orchard form, and grapevines under the age of three years from the time of planting in vineyard form, shall be exempt from taxation, and nothing in this article shall be construed as subjecting such trees and grapevines to taxation. [New section; adopted November 6, 1894.]

SEC. 13. The legislature shall pass all laws necessary to carry out the provisions of this article.

SEC. 14. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car-loading and other car companies operating upon railroads in this state; companies doing express business on any railroad, steamboat, vessel or stage line in this state; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for state purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations.

(a) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loading and other car companies, operating upon the railroads in this state; all companies doing express

business on any railroad, steamboat, vessel or stage line in this state; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the state a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof used exclusively in the operation of their business in this state, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies, and each thereof within this state. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property above enumerated of such companies except as otherwise in this section provided; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this state.

(b) Every insurance company or association doing business in this state shall annually pay to the state a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this state, less return premiums and reinsurance in companies or associations authorized to do business in this state; *provided*, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this state. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise in this section provided; *provided*, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the legislature upon insurance companies of such other state or country doing business in this state.

(c) The shares of capital stock of all banks, organized under the laws of this state, or of the United States, or of any other state and located in this state, shall be assessed and taxed to the owners or holders thereof by the state board of equalization, in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the state, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the state for this tax and the same shall be paid to the state by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this state, or held by any bank located in this state which has no shares of capital stock, or employed in this state by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the manner to be provided by law and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business, together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate,

other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lien of all other taxes and licenses, state, county and municipal, upon the property of the banks and bankers mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said state board of equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies and trust companies, but shall not include building and loan associations.

(d) All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the state.

(e) Out of the revenues from the taxes provided for in this section, together with all other state revenues, there shall be first set apart the moneys to be applied by the state to the support of the public school system and the state university. In the event that the above named revenues are at any time deemed insufficient to meet the annual expenditures of the state, including the above named expenditures for educational purposes, there may be levied, in the manner to be provided by law, a tax, for state purposes, on all the property in the state, including the classes of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in subdivisions a, b, and d of this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, before the adoption of this section. The taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes for state purposes.

(f) All the provisions of this section shall be self-executing, and the legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the state board of equalization and any other officers in connection with the administration thereof. The rates of taxation fixed in this section shall remain in force until changed by the legislature, two thirds of all the members elected to each of the two houses voting in favor thereof. The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section; and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the legislature. Until the year 1918 the state shall reimburse any and all counties which sustain loss of revenue by the withdrawal of railroad property from county taxation for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation. The legislature shall provide for reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for state purposes only.

(g) No injunction shall ever issue in any suit, action or proceeding in any court against this state or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section; but after payment action may be maintained to recover any tax illegally collected in such manner and at such time as may now or hereafter be provided by law. [New section; adopted November 8, 1910.]

ARTICLE XIV.

WATER AND WATER RIGHTS.

SECTION 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the state, in the manner to be prescribed by law: *provided*, that the rates or compensation to be collected by any person, company, or corporation in this state for the use of water supplied to any city and county, or city, or town, or the inhabitants thereof, shall be fixed, annually, by the board of supervisors, or city and county, or city, or town council, or other governing body of such city and county, or city, or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect

on the first day of July thereafter. Any board or body failing to pass the necessary ordinances or resolutions fixing water rates, where necessary, within such time, shall be subject to peremptory process to compel action, at the suit of any party interested, and shall be liable to such further processes and penalties as the legislature may prescribe. Any person, company, or corporation collecting water rates in any city and county, or city, or town in this state, otherwise than as so established, shall forfeit the franchises and waterworks of such person, company, or corporation to the city and county, or city, or town, where the same are collected, for the public use.

SEC. 2. The right to collect rates or compensation for the use of waters supplied to any county, city and county, or town, or the inhabitants thereof, is a franchise, and can not be exercised except by authority of and in the manner proscribed by law.

ARTICLE XV.

HARBOR FRONTAGE, ETC.

SECTION 1. The right of eminent domain is hereby declared to exist in the state to all frontages on the navigable waters of this state.

SEC. 2. No individual, partnership, or corporation, claiming or possessing the frontage of tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this state, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this state shall be always attainable for the people thereof.

SEC. 3. All tidelands within two miles of any incorporated city or town of this state, and fronting on the waters of any harbor, estuary, bay, or inlet, used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations.

ARTICLE XVI.

STATE INDEBTEDNESS.

SECTION 1. The legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within seventy-five years of the time of the contracting thereof, and shall be irreplicable until the principal and interest thereon shall be paid and discharged and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one fourth of the time of maturity of such debt or liability; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the state, for three months next preceding the election at which it is submitted to the people. The legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same. [Amendment adopted November 3, 1908.]

ARTICLE XVII.

LAND AND HOMESTEAD EXEMPTION.

SECTION 1. The legislature shall protect, by law, from forced sale, a certain portion of the homestead and other property of all heads of families.

SEC. 2. The holding of large tracts of land, uncultivated and unimproved, by individuals or corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property.

SEC. 3. Lands belonging to this state, which are suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding three hundred and twenty acres to each settler, under such conditions as shall be prescribed by law.

ARTICLE XVIII.

AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this constitution may be proposed in the senate or assembly, and if two thirds of all the members elected to each of the two houses shall vote in favor thereof, such proposed amendment or amendments shall be entered in their journals, with the yeas and nays taken thereon; and it shall be the duty of the legislature to submit such proposed amendment or amendments to the people in such manner, and at such time, and after such publication as may be

deemed expedient. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments, or any of them, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of this constitution.

SEC. 2. Whenever two thirds of the members elected to each branch of the legislature shall deem it necessary to revise this constitution, they shall recommend to the electors to vote, at the next general election, for or against a convention for that purpose, and if a majority of the electors voting at such election on the proposition for a convention shall vote in favor thereof, the legislature shall, at its next session, provide by law for calling the same. The convention shall consist of a number of delegates not to exceed that of both branches of the legislature, who shall be chosen in the same manner, and have the same qualifications, as members of the legislature. The delegates so elected shall meet within three months after their election, at such place as the legislature may direct. At a special election to be provided for by law, the constitution that may be agreed upon by such convention shall be submitted to the people for their ratification or rejection, in such manner as the convention may determine. The returns of such election shall, in such manner as the convention shall direct, be certified to the executive of the state, who shall call to his assistance the controller, treasurer, and secretary of state, and compare the returns so certified to him; and it shall be the duty of the executive to declare, by his proclamation, such constitution as may have been ratified by a majority of all the votes cast at such special election, to be the constitution of the State of California.

ARTICLE XIX.

CHINESE.

SECTION 1. The legislature shall prescribe all necessary regulations for the protection of the state, and the counties, cities, and towns thereof, from the burdens and evils arising from the presence of aliens who are or may become vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious or infectious diseases, and from aliens otherwise dangerous or detrimental to the well-being or peace of the state, and to impose conditions upon which such persons may reside in the state, and to provide the means and mode of their removal from the state, upon failure or refusal to comply with such conditions; *provided*, that nothing contained in this section shall be construed to impair or limit the power of the legislature to pass such police laws or other regulations as it may deem necessary.

SEC. 2. Relating to employment of Chinese or Mongolians by corporations formed under laws of California.

NOTE.—The provisions of this section held to be in conflict with the United States constitution and therefore void. *In re Parrott*, 6 Saw. 319; (U. S. Circuit Court).

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

SEC. 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the state, and the legislature shall discourage their immigration by all the means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this state, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the legislature may prescribe. The legislature shall delegate all necessary power to the incorporated cities and towns of this state for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this state of Chinese after the adoption of this constitution. This section shall be enforced by appropriate legislation.

ARTICLE XX.

MISCELLANEOUS SUBJECTS.

SECTION 1. The city of Sacramento is hereby declared to be the seat of government of this state, and shall so remain until changed by law; but no law changing the seat of government shall be valid or binding unless the same be approved and ratified by a majority of the qualified electors of the state voting therefor at a general state election, under such regulations and provisions as the legislature, by a two-thirds vote of each house, may provide, submitting the question of change to the people.

SEC. 2. Any citizen of this state who shall, after the adoption of this constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons either within this state or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this constitution.

SEC. 3. Members of the legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

SEC. 5. The superintendent of printing of the State of California shall, at least twenty days before said election, cause to be printed and delivered to the clerk of each county in this state five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "For the new constitution." He shall likewise cause to be so printed and delivered to said clerks five times the number of properly prepared ballots for said election that there are voters in said respective counties with the words printed thereon: "Against the new constitution." The secretary of state is hereby authorized and required to furnish the superintendent of state printing a sufficient quantity of legal ballot paper, now on hand, to carry out the provisions of this section.

SEC. 6. The clerks of the several counties in the state shall, at least five days before said election, cause to be delivered to the inspectors of election, at each election precinct or polling place in their respective counties, suitable registers, poll books, forms of return, and an equal number of the aforesaid ballots, which number, in the aggregate, must be ten times greater than the number of voters in the said election precincts or polling places. The returns of the number of votes cast at the presidential election in the year eighteen hundred and seventy-six shall serve as a basis of calculation for this and the preceding section; *provided*, that the duties in this and the preceding section imposed upon the clerks of the respective counties shall, in the city and county of San Francisco, be performed by the registrar of voters for said city and county.

SEC. 7. Every citizen of the United States, entitled by law to vote for members of the assembly in this state, shall be entitled to vote for the adoption or rejection of this constitution.

SEC. 8. The officers of the several counties of this state, whose duty it is, under the law, to receive and canvass the returns from the several precincts of their respective counties, as well as of the city and county of San Francisco, shall meet at the usual places of meeting for such purposes on the first Monday after said election. If, at the time of meeting, the returns from each precinct in the county in which the polls were opened have been received, the board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from time to time until all the returns are received, or until the second Monday after said election, when they shall proceed to make out returns of the votes cast for and against the new constitution; and the proceedings of said board shall be the same as those prescribed for like boards in the case of an election for governor. Upon the completion of said canvass and returns, the said boards shall immediately certify the same, in the usual form, to the governor of the State of California.

SEC. 9. The governor of the State of California shall, as soon as the returns of said election shall be received by him, or within thirty days after said election, in the presence and with the assistance of the controller, treasurer, and secretary of state, open and compute all the returns received of votes cast for and against the new constitution. If, by such examination and computation, it is ascertained that a majority of the whole number of votes cast at such election is in favor of such new constitution, the executive of this state shall, by his proclamation, declare such new constitution to be the constitution of the State of California, and that it shall take effect and be in force on the days hereinafter specified.

SEC. 10. In order that future elections in this state shall conform to the requirements of this constitution, the terms of all officers elected at the first election under the same shall be, respectively, one year shorter than the terms as fixed by law or by this constitution; and the successors of all such officers shall be elected at the last election before the expiration of the terms as in this section provided. The first officers chosen after the adoption of this constitution shall be elected at the time and in the manner now provided by law. Judicial officers and the superintendent of public instruction shall be elected at the time and in the manner that state officers are elected.

SEC. 11. All laws relative to the present judicial system of the state shall be applicable to the judicial system created by this constitution until changed by legislation.

SEC. 12. This constitution shall take effect and be in force on and after the fourth day of July, eighteen hundred and seventy-nine, at twelve o'clock meridian, so far as the same relates to the election of all officers, the commencement of their terms of office, and the meeting of the legislature. In all other respects, and for all other purposes, this constitution shall take effect on the first day of January, eighteen hundred and eighty, at twelve o'clock meridian.

ARTICLE XXIII.

SECTION 1. Every elective public officer of the State of California may be removed from office at any time by the electors entitled to vote for a successor of such incumbent, through the procedure and in the manner herein provided for, which procedure shall be known as the recall, and is in addition to any other method of removal provided by law.

The procedure hereunder to effect the removal of an incumbent of an elective public office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twelve

per cent of the entire vote cast at the last preceding election for all candidates for the office, which the incumbent sought to be removed occupies (provided, that if the officer sought to be removed is a state officer who is elected in any political subdivision of the state, said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies) demanding an election of a successor to the officer named in said petition, shall be addressed to the secretary of state and filed with the clerk, or registrar of voters, of the county or city and county in which the petition was circulated; *provided*, that if the officer sought to be removed was elected in the state at large such petition shall be circulated in not less than five counties of the state, and shall be signed in each of such counties by electors equal in number to not less than one per cent of the entire vote cast, in each of said counties, at said election, as above estimated. Such petition shall contain a general statement of the grounds on which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review.

When such petition is certified as is herein provided to the secretary of state, he shall forthwith submit the said petition, together with a certificate of its sufficiency, to the governor, who shall thereupon order and fix a date for holding the election, not less than sixty days nor more than eighty days from the date of such certificate of the secretary of state.

The governor shall make or cause to be made publication of notice for the holding of such election, and officers charged by law with duties concerning elections shall make all arrangements for such election and the same shall be conducted, returned, and the result thereof declared, in all respects as are other state elections. On the official ballot at such election shall be printed, in not more than two hundred words, the reasons set forth in the petition for demanding his recall. And in not more than three hundred words there shall also be printed, if desired by him, the officer's justification of his course in office. Proceedings for the recall of any officer shall be deemed to be pending from the date of the filing with any county, or city and county clerk, or registrar of voters, of any recall petition against such officer; and if such officer shall resign at any time subsequent to the filing thereof, the recall election shall be held notwithstanding such resignation, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law, but the person appointed to fill such vacancy shall hold his office only until the person elected at the said recall election shall qualify.

Any person may be nominated for the office which is to be filled at any recall election by a petition signed by electors, qualified to vote at such recall election, equal in number to at least one per cent of the total number of votes cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Each such nominating petition shall be filed with the secretary of state not less than twenty-five days before such recall election.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No," said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Any recall petition may be presented in sections, but each section shall contain a full and accurate copy of the title and text of the petition. Each signer shall add to his signature his place of residence, giving the street and number, if such exist. His election precinct shall also appear on the paper after his name. The number of signatures appended to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the state shall be competent to solicit such signatures within the county, or city and county, of which he is an elector. Each section of the petition shall bear the name of the county, or city and county in which it is circulated, and only qualified electors of such county or

city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same stating his qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such petition so verified shall be prima facie evidence that the signatures thereto appended are genuine and that the persons signing the same are qualified electors. Unless and until it is otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of electors. Each section of the petition shall be filed with the clerk, or registrar of voters, of the county or city and county in which it was circulated: but all such sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the date of filing such petition, the clerk, or registrar of voters, shall finally determine from the records of registration what number of qualified electors have signed the same: and, if necessary, the board of supervisors shall allow such clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and submit said petition, except as to the signatures appended thereto, to the secretary of state and file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar of voters to the secretary of state, a supplemental petition, identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid. The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof as of the original petition, and upon the conclusion of such examination shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and shall forthwith transmit such supplemental petition, except as to the signatures thereon, together with his said certificate, to the secretary of state.

When the secretary of state shall have received from one or more county clerks, or registrars of voters, a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the state a certificate showing such fact; and such clerk or registrar of voters shall thereupon file said certificate for record in his office.

A petition shall be deemed to be filed with the secretary of state upon the date of the receipt by him of a certificate or certificates showing the said petition to be signed by the requisite number of electors of the state.

No recall petition shall be circulated or filed against any officer until he has actually held his office for at least six months; save and except it may be filed against any member of the state legislature at any time after five days from the convening and organizing of the legislature after his election.

If at any recall election the incumbent whose removal is sought is not recalled, he shall be repaid from the state treasury any amount legally expended by him as expenses of such election, and the legislature shall provide appropriation for such purpose, and no proceedings for another recall election of said incumbent shall be initiated within six months after such election.

If the governor is sought to be removed under the provisions of this article, the duties herein imposed upon him shall be performed by the lieutenant governor; and if the secretary of state is sought to be removed, the duties herein imposed upon him shall be performed by the state controller; and the duties herein imposed upon the clerk or registrar of voters, shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The recall shall also be exercised by the electors of each county, city and county, city and town of the state, with reference to the elective officers thereof, under such procedure as shall be provided by law.

Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising such recall powers in such counties, cities and counties, cities and towns, but shall not require any such recall petition to be signed by electors more in number than twenty-five per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Nothing herein contained shall be construed as affecting or limiting the present or future powers of cities or counties or cities and counties having charters adopted under the authority given by the constitution.

In the submission to the electors of any petition proposed under this article all officers shall be guided by the general laws of the state, except as otherwise herein provided.

This article is self-executing, but legislation may be enacted to facilitate its

operation, but in no way limiting or restricting the provisions of this article or the powers herein reserved. [*New article; adopted October 10, 1911.*]

Attest: EDWIN F. SMITH, Secretary.

J. P. HOGE, President.

A. R. ANDREWS.	JOEL A. HARVEY.	WILLIAM H. PROUTY.
JAMES J. AYRES.	CONRAD HEROLD.	M. R. C. PULLIAM.
CLEIUS BARBOUR.	S. G. HILBORN.	CHAS. F. REED.
EDWARD BARRY.	J. E. HALE.	JNO. M. RHODES.
JAMES N. BARTON.	SAM. A. HOLMES.	HORACE C. ROLFE.
C. J. BEERSTECHEE.	W. J. HOWARD.	PATRICK REDDY.
ISAAC S. BELCHER.	W. F. HUETIS.	JAS. S. REYNOLDS.
PETER BELL.	WM. HUGHEY.	CHAS. S. RINGGOLD.
MARION BIGGS.	G. W. HUNTER.	GEO. W. SCHELL.
E. T. BLACKMER.	DANIEL INMAN.	J. SCHOMP.
JOSIAH BOTCHER.	GEORGE A. JOHNSON.	E. O. SMITH.
JOSEPH C. BROWN.	PETER J. JOYCE.	JAMES MCAL. SHAFER.
SAML. B. BERT.	L. F. JONES.	RUFUS SHOENMAKER.
JOHN D. CONDON.	J. M. KELLEY.	BENJ. SHURLEFF.
C. W. CROSS.	JOHN J. KENNY.	GEO. VENABLE SMITH.
JAMES CAPLES.	JAMES H. KEYES.	JOHN C. STEDMAN.
AUG. H. CHAPMAN.	C. R. KLEINE.	D. C. STEVENSON.
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J. R. W. HITCHCOCK.	JAMES MARTIN PORTER.	N. G. WYATT.
VOLNEY E. HOWARD.		

REFERENDUM PETITIONS.

1911 (EXTRA SESSION).

Referendum petitions as provided for in article IV, section 1, of the state constitution were filed against the acts relating to the office of registrar of voters passed at the extra session of the legislature in 1911 (chapters 48, 49 and 50). These acts amended sections 4013 and 4232 of the Political Code, and added new sections 4149e and 4149f thereto. The acts were repealed by vote of the electors of the State on November 5, 1912.

1913 (REGULAR SESSION).

Referendum petitions have been filed with the Secretary of State against the following acts which otherwise would have become effective on August 10, 1913. These acts must therefore be submitted to the electors of the State for their approval or rejection, and will be so submitted at the general election to be held in November, 1914:

Chapter 17. Red Light Abatement Act.

Chapter 353. "Blue Sky" Act.

Chapter 579. Non-sale of Game Act.

Chapter 586. Water Commission Act.

INOPERATIVE LAWS.

1913 (REGULAR SESSION).

Chapter 174, providing for expenses of a commission to represent the State at the Battle of Gettysburg anniversary and for transportation of veterans to the exercises in connection therewith.

The above appropriation bill which the 1913 legislature voted to become effective immediately upon passage, was held under a decision by the District Court of Appeal, Third District, not to be "current expenses" within the meaning of article IV, section 1, of the constitution. The law became inoperative because the expenditure was necessary before the law went into effect under the ninety-day provision. The appropriation was also held to be in contravention of article IV, section 31, which provides that the "legislature shall have no power . . . to make any gift."

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STATUTES OF CALIFORNIA

PASSED AT THE

FORTIETH SESSION OF THE LEGISLATURE

CHAPTER 1.

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

[Approved January 13, 1913. In effect immediately.]

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

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

Appropriation: expenses of presidential electors.

SEC. 2. This act inasmuch as it provides for an appropriation for the current expenses of the state shall, under the provisions of section 1 of article IV, of the constitution, take effect immediately.

CHAPTER 2.

An act to make an appropriation for the contingent expenses of the senate for the session of the fortieth legislature of the State of California during the sixty-fourth fiscal year.

[Approved February 3, 1913. In effect immediately.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars for the contingent expenses of the senate for the session of the fortieth legislature of the State of California, during the sixty-fourth fiscal year.

Appropriation: senate contingent expenses.

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 3.

An act making an appropriation for an additional stenographer for the governor's office during and following the present session of the legislature.

[Approved February 3, 1913. In effect immediately.]

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

Appropriation:
governor's
additional
stenog-
rapher.

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the salary of an additional stenographer for the governor's office to be appointed by him to serve during and following the present session of the legislature.

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum within made payable and the state treasurer is directed to pay the same.

SEC. 3. This act inasmuch as it makes an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 4.

An act to appropriate money to pay the expense of distributing state text-books free to the school children of the state in accordance with the provisions of the constitution.

[Approved February 3, 1913. In effect immediately.]

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

Appropriation:
distributing
state
text-
books.

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay postage, expressage, freight or other delivery, clerical or other help and all other expense necessary in distributing state text-books free to the school children of the state, in accordance with section 7 of article IX of the constitution.

SEC. 2. This act, inasmuch as it provides for an appropriation for the current expenses of the state shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 5.

An act appropriating money to reimburse the state printing fund for expenses paid therefrom by the superintendent of state printing in printing the constitutional amendments distributed according to law prior to the election on November 5, 1912.

[Approved February 3, 1913. In effect immediately.]

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

SECTION 1. The sum of eleven thousand five hundred forty-nine dollars and sixty cents (\$11,549.60) is hereby appropriated out of any money in the state treasury not otherwise appropriated to be paid according to law to reimburse the state printing fund for expenses paid therefrom by the superintendent of state printing in printing the constitutional amendments distributed according to law prior to the election on November 5, 1912.

Appropriation:
printing
consti-
tutional
amend-
ments.

SEC. 2. This act, inasmuch as it provides for an appropriation for the current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

CHAPTER 6.

An act to amend an act entitled "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations, banks and insurance companies for the benefit of the state, all relating to revenue and taxation," approved April 1, 1911, by amending sections two, three, four, five, twenty-four and thirty-five.

[Approved February 3, 1913. In effect immediately.]

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

SECTION 1. Section two of an act entitled "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations, banks and insurance companies for the benefit of the state, all relating

to revenue and taxation" approved April 1, 1911, is hereby amended to read as follows:

Public
service
corporations,
how
taxed.

Section 2. All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car and palace car companies, all refrigerator, oil, stock, fruit, and other car-loaning, and other car companies, operating upon the railroads in this state; all companies doing express business on any railroad, steamboat, vessel, or stage line in this state; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the state a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof, used exclusively in the operation of their business in this state, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this state. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state. The percentages above mentioned shall be as follows: On all railroad companies, including street railways four and three-fourths per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit, and other car-loaning, and other car companies four per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, four and two-tenths per cent; on all companies engaged in the transmission or sale of gas or electricity, four and six-tenths per cent. Such taxes shall be in lieu of all other taxes and licenses, state, county, and municipal, upon the property above enumerated of such companies except as otherwise provided in section fourteen of article thirteen of the constitution of this state, and as provided in section twenty-two of article four of said constitution. The word "municipal" as used in this act shall apply to incorporated towns and cities formed under article eleven of the constitution of this state and to none other.

State and
interstate
business.

Percent-
ages.

"Municipal"
defined.

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

Tax on
insurance
companies.

Section 3. Every insurance company or association doing business in this state shall annually pay to the state a tax of one and three-fourths per cent upon the amount of the gross premiums received upon its business done in this state, less return premiums and reinsurance in companies or associations authorized to do business in this state; *provided*, that there shall be deducted from said one and three-fourths per cent upon the gross premiums the amount of any

county and municipal taxes paid by such companies on real estate owned by them in this state. This tax shall be in lieu of all other taxes and licenses, state, county, and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise provided in the constitution of this state; *provided*, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this state, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind must be imposed by the insurance commissioner upon insurance companies of such other state or country doing business in this state.

Retaliatory
provision.

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

Section 4. The shares of capital stock of all banks, organized under the laws of this state, or of the United States, or of any other state and located in this state, shall be assessed and taxed to the owners or holders thereof by the state board of equalization, in the manner hereinafter provided, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the state, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, state, county, and municipal, upon such shares of stock and upon the property of such bank, except county and municipal taxes on real estate and except as otherwise provided in the constitution of this state. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the state for this tax and the same shall be paid to the state by them on behalf of the stockholders in the manner and at the time hereinafter provided, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid. The moneyed capital, reserve, surplus, undivided profits, and all other property belonging to unincorporated banks or bankers of this state, or held by any bank located in this state which has no shares of capital stock, or employed in this state by any branches, agencies, or

Tax on
banks.

Real
estate
deducted.

Branch of
foreign
bank.

other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the same manner as above provided for incorporated banks, and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this section. In the case of a branch, an agency, or other representative of any bank doing business outside of this state, the capital of said branch, agency, or representative used in this state shall be taken to be the average amount owed by the said branch, agency, or representative to the bank of which it is a branch, agency, or representative during the year ending the first Monday in March. The value of said property shall be determined by taking the entire property invested in such business, together with all reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate, other than mortgage interests therein, owned by such bank or banker and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, state, county, and municipal, upon the property of the banks and bankers mentioned in this section, except county and municipal taxes on real estate, and except as otherwise provided in the constitution of this state. All moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in this section. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this section, the said state board of equalization shall include and assess to such banks all property and everything of value owned or held by them which would go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock. The word "banks" as used in this act shall include banking associations, unincorporated banks and bankers, branches, agencies or other representatives of any banks doing business outside of the State of California, savings and loan societies, and such trust companies, as conduct the business of receiving money on deposit, but shall not include building and loan associations.

"Banks"
defined.

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

Tax on
franchises.

Section 5. All franchises, other than those of the companies mentioned in sections two, three and four of this act, shall be assessed at their actual cash value, after making due deduction for good will, in the manner hereinafter provided, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the state. These franchises shall include the actual exercise of the right to be a corporation and to do business as a corporation under the laws of this state and the actual exercise of the right to do business as a corporation in this state when such right is exer-

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

SEC. 5. Section twenty-four of said act is hereby amended to read as follows:

Section 24. Within ten days after the first Monday in February, the controller shall send by mail to the last known address of any company whose taxes are delinquent a notice of the amount of said taxes, penalties, and costs, and that if the said taxes, penalties, and costs are not paid on or before the Saturday preceding the first Monday in March next thereafter at six o'clock p. m. of said day, the delinquent company if it be a domestic corporation will forfeit its charter to the state, and that if the delinquent company be a foreign corporation it will forfeit its right to do business in this state. If the taxes, penalties, and costs are not paid within the time specified in said notice, the controller shall, on said Saturday preceding the first Monday in March at six o'clock p. m. of said day, mark on the record of assessments for state taxes opposite the assessment of the delinquent company the words "charter forfeited to the state," if the delinquent company be a domestic corporation, and thereupon said charter shall be so forfeited, and if the delinquent company be a foreign corporation the words "right to do business forfeited" and thereupon said right to do business shall be so forfeited. He shall at once report to the secretary of state the name and number of charter of each corporation whose charter or right to do business has been forfeited for non-payment of taxes, and the secretary of state shall at once report the same to the governor. The governor shall forthwith issue his proclamation, declaring that the charters of such domestic corporations have been forfeited and the right of such foreign corporations to do business in this state has been forfeited. Said proclamation shall be filed immediately in the office of the secretary of state, and immediately thereafter a copy of said proclamation shall be published in the manner provided by law in one issue of one daily newspaper of general circulation published at the state capital, of one daily newspaper of general circulation published in the city and county of San Francisco, and of one daily newspaper of general circulation published in the city of Los Angeles. The secretary of state shall thereupon transmit a certified copy of the proclamation to each county clerk in this state, who shall file the same in his office. Any such corporation making subsequent payment of all taxes, penalties, and costs due the state, and in addition thereto an amount equal to the taxes levied under this act for the year in which such forfeiture occurred, for each year subsequent to such forfeiture and to the time of such redemption, shall be relieved of such forfeiture, and the controller shall

Notice to delinquent companies.

Charter forfeited.

Governor's proclamation.

Relief from forfeiture.

notify the secretary of state thereof, and the secretary of state shall annually on the first Monday in April transmit to the county clerk of each county in this state a list of the corporations so paying, and which have been relieved of such forfeiture, which list shall be by said county clerk filed in his office; *provided*, the rehabilitation of a corporation under the provisions of this act shall be without prejudice to any action, defense or right which accrued by reason of the original forfeiture; *and provided*, that in case the name of any corporation which has suffered the forfeiture prescribed in this act, or a name so closely resembling the name of such corporation as will tend to deceive, has been adopted by any other corporation since the date of said forfeiture, then said corporation having suffered such forfeiture shall be relieved therefrom pursuant to the terms of this section only upon the adoption by said corporation seeking revivor of a new name, and in such case nothing in this act contained shall be construed as permitting such corporation to be revived or carry on any business under its former name; and such corporation shall have the right to use its former name or take such new name only upon filing an application therefor with the secretary of state and upon the issuing of a certificate to such corporation by the secretary of state setting forth the right of such corporation to take such new name or use its former name, as the case may be; *provided, however*, that the secretary of state shall not issue any certificate permitting any corporation to take or use the name of any corporation heretofore organized in this state, and which has not suffered a forfeiture prescribed by this act, or to make or use a name so closely resembling the name of such corporation heretofore organized in this state as will tend to deceive. The provisions of title 9, part 3 of the Code of Civil Procedure, in so far as they conflict with this section, are not applicable to corporations seeking revivor under this act. The controller may, on or before the thirtieth day of April next following said delinquency and forfeiture, bring an action in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California, to collect any delinquent taxes, together with any penalties, or costs, which have not been paid in accordance with the provisions of this act and appearing delinquent upon the record of assessments for state taxes heretofore in this act provided for. The attorney general must prosecute such action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. In such action a writ of attachment may be issued, and no bond or affidavit previous to the issuing of said attachment is required. In the case of companies whose charters or right to do business has been forfeited under the provisions of this act, service of summons may be made upon the persons now provided for by law to be served as agents or officers of any of such companies and such persons shall be deemed to be the agents of such companies for all purposes

New name
of revived
companies.

Limita-
tion on
names.

Action to
collect
tax.

Attach-
ment.

necessary in order to prosecute such action. Payment of the taxes and penalties, or amount of the judgment recovered in such action must be made to the state treasurer. In such actions the record of assessments for state taxes, or a copy of so much thereof as is applicable in said action, duly certified by the controller, or by the secretary of the state board of equalization, showing unpaid taxes against any company, person or association assessed by the state board of equalization, is prima facie evidence of the assessment upon the property and franchises, the delinquency, the amount of the taxes, penalties, and costs due and unpaid to the state, and that the company, person, or association is indebted to the people of the State of California in the amount of taxes and penalties therein appearing unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

SEC. 6. Section thirty-five of said act is hereby amended to read as follows:

Section 35. In so far as the rates of taxation upon the property and franchises described and enumerated in section fourteen of article XIII of the constitution of the State of California and in section one of the act of which this act is in part amendatory, differ from the rates of taxation upon such property and franchises as fixed and defined by this act, it is hereby declared to be the intent and purpose of the legislature, two thirds of all the members elected to each of the two houses voting in favor thereof, by virtue of the authority conferred upon the legislature by subdivision f of section fourteen of article XIII of the constitution to change the rates of taxation heretofore fixed and imposed by said section of the constitution and enumerated and specified in the act of which this act is amendatory to the rates fixed, determined, established and set forth by and in this act. Rates changed.

This tax levy, and each and every of the percentages or rates of taxation herein and hereby determined, made, fixed and established to be paid by the persons, firms, companies and corporations specified, described or included in section 14 of article XIII of the constitution, are and have been determined, made, fixed and established after a full, complete, open and public investigation and hearing by and before this legislature upon and respecting the value of each and all of the properties and franchises included within or enumerated in section 14 of article XIII of the constitution, and of all other and different property subject to taxation of any kind within the State of California, of which investigation and hearing every and all persons, firms, companies and corporations concerned therein or affected thereby had due notice; and at which investigation and hearing the legislature took oral and written evidence and at which hearing every and all persons, firms, companies and corporations concerned therein or affected thereby and who desired so to do, were given an opportunity to and did appear and were heard and introduced evidence before this legislature Rates fixed after public hearing.

Rates
fixed after
public
hearing.

respecting and showing the value of said properties and franchises included within or enumerated in said section 14 of article XIII of the constitution and also respecting and showing the value of all other and different property subject to taxation of any kind within the State of California, and after the due consideration of all of said evidence by this legislature and its ascertainment and determination therefrom and thereon of the value of said and all of said hereinbefore mentioned properties and franchises; and the percentages or rates of taxation herein and hereby determined, fixed and established have been and are determined, fixed and established, and have been and are based, upon the value of each, all and every of the properties and franchises included within or enumerated in said section 14 of article XIII of the constitution as ascertained and determined as aforesaid by this legislature and constitute and are the percentages or rates of taxation ascertained and determined by this legislature which when applied in the manner provided and required by law, do and will levy a tax upon said properties and franchises included within or enumerated in said section 14 of article XIII of the constitution in proportion to the value of the same and in proportion to the value of every and all other and different property subject to taxation of any kind within the State of California as ascertained and determined as aforesaid by this legislature.

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

CHAPTER 7.

An act to amend an act entitled, "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities of the sixth class, by adding a new section thereto, to be numbered eight hundred and seventy a.

[Approved February 4, 1913. In effect immediately.]

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

SECTION 1. An act entitled, "An act to provide for the organization, incorporation and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, is hereby amended by adding a new section thereto relating to cities of the sixth class, to be numbered eight hundred and seventy a and to read as follows:

Section 870a. Whenever the city trustees shall deem it necessary for the city or town to construct a bridge connecting the municipal corporation with an adjoining road district and it shall become necessary in constructing such bridge to take or damage private property within or without or within and

Bridge
connect-
ing city
with road
district.

without the corporate limits of said city or town, the trustees of said city or town may, by resolution, declare the necessity thereof and direct and maintain proceedings for that purpose under title VII of part III of the Code of Civil Procedure.

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section one of article four of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency: Many municipal corporations governed by the act of which this act is amendatory, have their exterior boundaries on banks of rivers and streams which during the winter months become so swollen by rains and floods as to render it dangerous to public safety to cross such streams, and as the provisions of title VII, part III of the Code of Civil Procedure, or the act of which this act is amendatory, do not enumerate among the public uses for which the right of eminent domain may be exercised, the taking of private property necessary for the construction, by cities of the sixth class, of bridges across streams forming the exterior boundaries of such cities and the construction of such bridges being necessary for the public safety for travel to and from such cities, this act is hereby declared to be an urgency act within the meaning of the section and article of the Constitution of the State of California above in this section mentioned.

Urgency measure: declaration of facts.

CHAPTER 8.

An act appropriating the money in the state school book fund for the purpose of paying expenses of publishing and distributing state text-books free to the school children of the state in accordance with the constitution.

[Approved February 4, 1913. In effect immediately.]

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

SECTION 1. The money in the state school book fund is hereby appropriated for the purpose of paying expenses of publishing state text-books and distributing the same free to the school children of the state in accordance with section 7 of article IX of the constitution. The expense of publishing shall include the payment of royalties under existing contracts upon the basis of books shipped and all material, labor and other expenses necessary to the mechanical work of printing and binding said books. All books shall be printed upon the order of the superintendent of public instruction and claims shall be drawn after being certified to by the superintendent of state printing as provided by law. The expense of distributing shall consist of postage, expressage, freight or other delivery, clerical or other help and all other necessary

School book fund for distributing free text-books.

expense connected with such distribution, the claims for the same to be presented and certified to by either of the above state officers incurring the same, and allowed and audited as provided by law.

SEC. 2. This act, inasmuch as it provides for an appropriation for the current expenses of the state, under the provisions of section 1 of article IV of the constitution of the State of California, shall take effect immediately.

CHAPTER 9.

An act to recognize and declare valid all proceedings in Richmond municipal water district.

[Approved March 23, 1913. In effect August 10, 1913.]

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

Richmond
water
district
validated.

SECTION 1. The Richmond municipal water district as formed by the board of supervisors of Contra Costa county, State of California, and as now existing, is hereby recognized and declared valid, and all proceedings on organization and formation are hereby approved and declared valid.

CHAPTER 10.

An act to amend section four hundred and fifty-two a of the Civil Code relating to the incorporation of mutual benefit associations.

[Approved April 2, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 452a of the Civil Code is hereby amended so as to read as follows:

Formation
of mutual
benefit as-
sociations.

452a. Associations of any number of persons may be formed for the purpose of paying the nominee of any member a sum, upon the death of the member, not exceeding three dollars for each member of the association, but not exceeding, in any case, the sum of three thousand dollars. Such association may be formed by filing articles of incorporation in the office of the clerk of the county in which the principal place of business is situated and a certified copy of such articles of incorporation, duly certified by the county clerk, in the office of the secretary of state. Such articles must state the name of the corporation, its general purposes, its principal place of business, its term of existence, not exceeding fifty years and the names and residences of the directors selected or appointed to serve for the first year. The articles of incorporation must be signed by not

less than twenty-five members of such association and must be acknowledged by them as required by section two hundred and ninety-two.

CHAPTER 11.

An act to amend an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under the constitutional provision without the governor's approval February 25, 1901, as subsequently amended, by amending section two thereof, relating to the proceedings for the calling of an election therefor.

[Approved April 4, 1913. In effect August 10, 1913.]

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

SECTION 1. Section two of an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under the constitutional provision without the governor's approval February 25th, 1901, as subsequently amended, is hereby amended to read as follows:

Section 2. Whenever the legislative branch of any city, town or municipal corporation shall, by resolution passed by vote of two thirds of all its members determine that the public interest or necessity demands the acquisition, construction or completion of any municipal improvement, including bridges, water works, water rights, sewers, light or power works or plants, buildings for municipal uses, wharves, schoolhouses, fire apparatus, and street work, or other works, property or structures necessary or convenient to carry out the objects, purposes and powers of the municipality, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the municipality, it may at any subsequent meeting of such board, by a vote of two thirds of all its members, call a special election and submit to the qualified voters of said city, town or municipal corporation the proposition of incurring a bonded debt for the purpose set forth in said resolution, and no question other than the incurring of the indebtedness for said purpose shall be submitted; *provided*, that propositions of incurring indebtedness for more than one object or purpose may be submitted at the same election. The ordinance calling such special election shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the proposed public improvements, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness, and

Submis-
sion of
bond
questions
for city
improve-
ments.

Objects
and pur-
poses.

Rate of
interest.

shall fix the date on which such special election will be held, the manner of holding such election and the voting for or against incurring such indebtedness, and in all particulars not recited in such ordinance, such election shall be held as provided by law for holding municipal elections in such municipality; *provided, however*, that if the rate of interest to be paid on such indebtedness shall not exceed four and one half per centum per annum, payable semi-annually, the rate of interest need not be recited in such ordinance, but in its discretion, the said legislative branch may recite in such ordinance a maximum rate of interest to be paid on such indebtedness, not exceeding six per centum per annum payable semi-annually, which rate when so recited, shall not be exceeded in the issuance of bonds for such indebtedness.

CHAPTER 12.

An act to validate municipal bonds, and to provide for the levy and collection of taxes to pay the principal and interest on such bonds.

[Approved April 4, 1913. In effect August 10, 1913.]

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

Municipal
bonds
validated.

SECTION 1. Where in any municipal corporation, proceedings have been taken for the purpose of issuing and selling bonds of such municipal corporation, for any purpose or purposes, all such acts and proceedings leading up to and including the issuance of such bonds, if they have heretofore been sold, and all such acts and proceedings heretofore had, although the bonds are not yet sold, are hereby legalized, ratified, confirmed and declared validated to all intents and purposes, and the power of said municipal corporation and of the legislative body thereof, to issue such bonds, is hereby ratified, confirmed and declared, and the bonds already sold are declared to be, and the bonds hereafter sold shall be, the legal and binding obligation of and against the municipal corporation, having heretofore issued or hereafter issuing such bonds, and the faith and credit of such municipal corporation is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

Tax levy
for prin-
cipal and
interest.

SEC. 2. The legislative branch of such municipal corporation shall at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid, or until there shall be a sum in the treasury of said municipal corporation, set apart for that purpose sufficient to meet all sums coming due for the principal and interest on such bonds a tax sufficient to pay the annual interest on such bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy; *provided, however*, that if

the maturity of the indebtedness created by the issue of bonds be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid annually each year, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes and shall be collected at the time and in the same manner as other municipal taxes are collected and be used for no other purpose than for the payment of said bonds and the accruing interest thereon.

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

Not to legalize bonds sold below par.

CHAPTER 13.

An act to amend section eight hundred and seventy-five of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as subsequently amended, relating to the powers of the president and presidents pro tem. of boards of trustees of cities of the sixth class.

[Approved April 4, 1918. In effect August 10, 1918.]

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

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

Section 875. In the absence of the president of the board of trustees from any meeting of said board, or in the event of his inability to act, a president *pro tem.* may be chosen by the board. The president or the president *pro tem.* shall preside at the meetings of the board of trustees, shall sign all warrants drawn on the treasurer, and shall sign all written contracts entered into by said city or town. The president *pro tem.* may sign or approve any ordinance with the same force and effect as if signed by the president. The president or president *pro tem.* shall have power to administer oaths and affirmations, to take affidavits and to testify the same under their hands. The president or president *pro tem.* shall sign all conveyances made by said city or town, and all instruments which shall require the seal of the city or town. The president or presi-

Powers of president and president pro tem.

dent *pro tem.* is authorized to acknowledge the execution of all instruments executed by said city or town that require to be acknowledged. The authority and power of the president *pro tem.* shall continue during the day on which he is chosen and shall cease at the expiration of such day.

CHAPTER 14.

An act to reappropriate and make available for the purpose of printing for the state board of forestry a certain amount heretofore appropriated for the support of said board.

[Approved April 5, 1913. In effect immediately.]

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

Appropriation:
board of
forestry.

SECTION 1. Of the balance now remaining in the appropriation made by chapter 705, Statutes of 1911, approved May 1, 1911, entitled "An act making appropriations for the support of the government of the State of California for the sixty-third and sixty-fourth fiscal years," there is hereby reappropriated and made available for the purpose of printing for said board of forestry for the sixty-fourth fiscal year the sum of seven hundred dollars.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrant in favor of the state board of forestry for the amount herein made payable as provided in section one hereof, and the state treasurer is hereby authorized to pay the same.

SEC. 3. This act inasmuch as it provides for an appropriation for the current expenses of the state shall, under the provisions of section one of article IV, of the constitution, take effect immediately.

CHAPTER 15.

An act to amend section 1577 of the Code of Civil Procedure relating to the sale of property of an estate, and to amend section 1580 of the Code of Civil Procedure, relating to the procedure for the sale of mining property belonging to an estate.

[Approved April 5, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1577 of the Code of Civil Procedure is hereby amended to read as follows:

Mortgage,
lease or
sale of
estate
property.

1577. Whenever, in any estate now being administered, or that may hereafter be administered, or in any guardianship proceeding now pending, or that may hereafter be pending,

it shall appear to the superior court, or a judge thereof, to be for the advantage of the estate to raise money upon a note or notes to be secured by a mortgage of the real property of any decedent, or of a minor, or an incompetent person, or any part thereof, or to make a lease of said real property, or any part thereof, or to agree to sell or give an option to purchase a mining claim, or mining claims, or real property worked as a mine, the court or judge, as often as occasion therefor shall arise in the administration of any estate, or in the course of any guardianship matter, may on a petition, notice, and hearing as provided in this article and section fifteen hundred and eighty of this code, authorize, empower and direct the executor or administrator, or guardian of such minor or incompetent person, to mortgage such real property, or any part thereof, and to execute a note or notes to be secured by such mortgage, or to lease such real estate, or any part thereof, or to enter into an agreement to sell such real estate, or any part thereof, or to give an option to purchase such real estate or any part thereof.

SEC. 2. Section 1580 of the Code of Civil Procedure is hereby amended to read as follows:

1580. To obtain an order to enter into an agreement for the sale of, or for an option to purchase, a mining claim, or claims, or real property, worked as a mine, the proceedings to be taken and the effect thereof shall be as follows: Sale of mining property.

First—The executor, administrator, or guardian of a minor, or of an incompetent person, or any person interested in the estate of such decedents, minors, or incompetent persons, may file a verified petition showing: Executor's petition.

1. The advantage or advantages that may accrue to the estate from entering into such agreement or option.

2. A general description of the property affected by said agreement or option.

3. The terms and general conditions of the proposed agreement or option.

4. The names of the legatees and devisees, if any, and of the heirs of the deceased, or of the minor, or of the incompetent person, so far as known to the petitioner.

Second—Upon filing such petition an order shall be made by the court or judge requiring all persons interested in the estate to appear before the court or judge at a time and place specified, not less than two or more than four weeks thereafter, then and there to show cause why an agreement for the sale, or an option for the purchase of the realty should not be made, and referring to the petition on file for further particulars. Court's order on hearing.

Third—The order to show cause must be personally served on the persons interested in the estate at least ten days before the time appointed for hearing the petition, or it may be published for four consecutive weeks in a newspaper of general circulation in the county if there be one, and if there is none, then in some newspaper of general circulation in an adjoining county. Service of order.

Hearing
on peti-
tion.

Fourth—At the time and place appointed to show cause, or at such other time and place to which the hearing may be postponed, the power to make all needful postponements being hereby vested in the court or judge, the court or judge having first received satisfactory proof of personal service or publication of the order to show cause, must proceed to hear the petition, and any objections that may have been filed or presented thereto. If, after a full hearing, the court or judge is satisfied that it will be for the advantage or best interest of the estate to enter into the proposed agreement for the sale, or option for the purchase, of the mines or real property, worked as a mine, an order must be made authorizing, empowering and directing the executor, administrator or guardian to make such agreement or option to purchase. The order may prescribe the terms and conditions of such agreement or option to purchase. The court or judge may, at the time of making said order authorizing such agreement to sell or option to purchase, fix the amount of bond to be given by the executor, administrator, or guardian, and may provide for the payment into court of the proceeds from said agreement to sell or option to purchase, and that the said executor, administrator, or guardian, shall give the bond required before obtaining an order of the court for the payment to him of such proceeds from said agreement to sell or option to purchase.

Executor's
agreement.

Fifth—After making the order to enter into said agreement or option to purchase, the executor, administrator or guardian of a minor or of an incompetent person shall execute, acknowledge and deliver an agreement or option to purchase containing the conditions specified in the order, setting forth in the agreement or option to purchase that it is made by authority of the order, and giving the date of such order. A certified copy of such order shall be recorded in the office of the county recorder of every county in which the land affected by the agreement or option to purchase, or any portion thereof, is situated. If the party of the second part to said agreement to sell or option to purchase neglects or refuses to comply with the terms of the agreement to sell or option to purchase, the court may, on motion of the executor, or administrator, or guardian, and after notice to the purchaser, order such agreement to sell or option to purchase cancelled.

Return of
proceed-
ings to
court.

Sixth—The executor or administrator, or the guardian, after the terms of said agreement to sell, or said option to purchase, have been complied with by the party of the second part thereto, and all payments mentioned in the same have been made according to the terms of said agreement to sell or option to purchase, must make a return of his proceedings to the court, which must be filed in the office of the clerk at any time subsequent to the compliance with said conditions and the making of said payments. A hearing upon the return of the proceedings may be asked for in the return or

by petition subsequently, and thereupon the clerk must fix the day for the hearing, of which notice of at least ten days must be given by the clerk, by notices posted in three public places in the county, or by publication in a newspaper, and must briefly indicate the land or lands mentioned in the agreement to sell or option to purchase, and must refer to the return for further particulars. Upon the hearing, the court must examine the return and witnesses in relation to the same. If it appears to the court that the terms of the said agreement to sell or option to purchase, including all payments to be made, have been complied with, the court must make an order confirming the sale, and directing conveyances to be executed. The sale, from that time, is confirmed and valid, and a certified copy of the order confirming it and directing conveyances to be executed, must be recorded in the office of the recorder of the county in which the land sold is situated. Conveyances must thereupon be executed to the purchaser by the executor or administrator, or the guardian, and they must refer to the orders of the court authorizing and confirming the sale of the property of the estate, and directing conveyances thereof to be executed and to the record of the order of confirmation in the office of the county recorder, either by the date of such recording, or by the date, volume, and page of the record, and such reference shall have the same effect as if the orders were at large inserted in the conveyance. Conveyances so made convey all the right, title, interest, and estate of the decedent, in the premises, at the time of his death; if prior to the sale, by operation of law or otherwise, the estate has acquired any right, title or interest in the premises, other than or in addition to that of the decedent at the time of his death, such right, title or interest also passes by such conveyances.

Court
may
confirm.

Convey-
ances
executed.

CHAPTER 16.

An act to amend an act entitled "An act providing for the management of the California redwood park and creating a board of five commissioners with power to manage said California redwood park," approved Feb. 6, 1911, by adding a new section granting to the board of commissioners the power to acquire property by gift, bequest, donation, contribution, devise, purchase, condemnation, and otherwise.

[Approved April 5, 1913. In effect August 10, 1913.]

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

SECTION 1. An act entitled "An act providing for the management of the California redwood park and creating a board of five commissioners with power to manage said California redwood park" approved Feb. 6, 1911, is hereby amended

by adding a new section to be known as section 2½ and to read as follows:

Commission may accept gifts.

2½. The said California redwood park commission shall have the right, power and authority to receive and accept, either in the name of said commission or in the name of the people of the state, by gift, devise, grant or other conveyance, real property or any interest therein, including water, water rights, roads, trails and rights of way, to be added to or used in connection with said California redwood park; also to receive and accept, by gift, donation, contribution, or bequest, money to be used in acquiring or improving real estate as a part of or in connection with said California redwood park; also to receive and accept personal property in the same manner for purposes connected with said park; also to acquire by purchase, or by condemnation proceedings brought either in the name of said California redwood park commission or in the name of the people of the State of California, such real and personal property as shall be necessary or proper for the extension, improvement or development of said California redwood park.

CHAPTER 17.

An act declaring all buildings and places nuisances wherein or upon which acts of lewdness, assignation or prostitution are held or occur or which are used for such purposes, and providing for the abatement and prevention of such nuisances by injunction and otherwise.

[Approved April 7, 1913. In effect August 10, 1913.]

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

Definitions. SECTION 1. The term "person" as used in this act shall be deemed and held to mean and include individuals, corporations, associations, partnerships, trustees, lessees, agents and assignees. The term "building" as used in this act shall be deemed and held to mean and include so much of any building or structure of any kind as is or may be entered through the same outside entrance.

Place of prostitution a nuisance.

SEC. 2. Every building or place used for the purpose of lewdness, assignation or prostitution and every building or place wherein or upon which acts of lewdness, assignation or prostitution are held or occur, is a nuisance which shall be enjoined, abated and prevented as hereinafter provided, whether the same be a public or private nuisance.

Action to abate.

SEC. 3. Whenever there is reason to believe that such nuisance is kept, maintained or exists in any county or city and county, the district attorney of said county or city and county, in the name of the people of the State of California, must, or any citizen of the state resident within said county or city and county, in his own name may, maintain an action in

equity to abate and prevent such nuisance and to perpetually enjoin the person or persons conducting or maintaining the same, and the owner, lessee or agent of the building, or place, in or upon which such nuisance exists, from directly or indirectly maintaining or permitting such nuisance.

SEC. 4. The complaint in such action must be verified unless filed by the district attorney. Whenever the existence of such nuisance is shown in such action to the satisfaction of the court or judge thereof, either by verified complaint or affidavit, the court or judge shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of such nuisance. Temporary writ.

SEC. 5. The action when brought shall have precedence over all other actions, excepting criminal proceedings, election contests and hearings on injunctions, and in such action evidence of the general reputation of the place shall be admissible for the purpose of proving the existence of said nuisance. If the complaint is filed by a citizen, it shall not be dismissed by the plaintiff or for want of prosecution except upon a sworn statement made by the complainant and his attorney, setting forth the reasons why the action should be dismissed, and the dismissal ordered by the court. In case of failure to prosecute any such action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any such citizen consenting thereto for such plaintiff. If the action is brought by a citizen and the court finds there was no reasonable ground or cause for said action, the costs shall be taxed against such citizen. Action to have precedence.
Failure to prosecute.

SEC. 6. Any violation or disobedience of either any injunction or order expressly provided for by this act shall be punished as a contempt of court by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than one month nor more than six months, or by both such fine and imprisonment. Violation of injunction.

SEC. 7. If the existence of the nuisance be established in an action as provided herein, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the building or place of all fixtures, musical instruments and movable property used in conducting, maintaining, aiding or abetting the nuisance, and shall direct the sale thereof in the manner provided for the sale of chattels under execution, and the effectual closing of the building or place against its use for any purpose, and so keeping it closed for a period of one year, unless sooner released, as hereinafter provided. While such order remains in effect as to closing, such building or place shall be and remain in the custody of the court. For removing and selling the movable property, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution, and for closing Order of abatement.

the premises and keeping them closed, a reasonable sum shall be allowed by the court.

Proceeds
of sale.

SEC. 8. The proceeds of the sale of the property, as provided in the preceding section, shall be applied as follows:

1st. To the fees and costs of such removal and sale;

2nd. To the allowances and costs of so closing and keeping closed such building or place;

3rd. To the payment of plaintiff's costs in such action;

4th. The balance, if any, shall be paid to the owner of the property so sold.

Building
may be
sold.

If the proceeds of such sale do not fully discharge all such costs, fees and allowances, the said building and place shall then also be sold under execution issued upon the order of the court or judge and the proceeds of such sale applied in like manner.

Owner,
not guilty
of contem-
pt,
may pay
costs.

SEC. 9. If the owner of the building or place has not been guilty of any contempt of court in the proceedings, and appears and pays all costs, fees and allowances which are a lien on the building or place and files a bond in the full value of the property, to be ascertained by the court, with sureties, to be approved by the court or judge, conditioned that he will immediately abate any such nuisance that may exist at such building or place and prevent the same from being established or kept thereat within a period of one year thereafter, the court, or judge thereof, may, if satisfied of his good faith, order the premises closed under the order of abatement, to be delivered to said owner, and said order of abatement canceled so far as the same may relate to said property. The release of the property under the provisions of this section shall not release it from any judgment, lien, penalty or liability to which it may be subject by law.

Fine lien
on build-
ing.

SEC. 10. Whenever the owner of a building or place upon which the act or acts constituting the contempt shall have been committed, or of any interest therein has been guilty of a contempt of court and fined therefor in any proceedings under this act, such fine shall be a lien upon such building and place to the extent of the interest of such person therein enforceable and collectible by execution issued by the order of the court.

Laws
repealed.

SEC. 11. All acts and parts of acts in conflict with the provisions of this act are hereby repealed; *provided*, that nothing herein shall be construed as repealing any law for the suppression of lewdness, assignation or prostitution.

CHAPTER 18.

An act to increase the number of judges of the superior court of the county of Kern, and to provide for the appointment of an additional judge.

[Approved April 14, 1913. In effect August 10, 1913.]

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

SECTION 1. The number of judges of the superior court of the county of Kern, is hereby increased from two to three.

SEC. 2. Within thirty days after the taking effect of this act, the governor shall appoint one additional judge of the superior court of the county of Kern, State of California, who shall hold office until the first Monday after the first day of January, A. D. nineteen hundred and fifteen. At the general election to be held in November, 1914, a judge of the superior court of said county shall be elected in said county, who shall be the successor of the judge appointed hereunder, to hold office for the term prescribed by the constitution and by law.

Additional
judge for
Kern
county.

SEC. 3. The salary of said additional judge shall be the same in amount, and shall be paid at the same time, and in the same manner, as the salary of the other judges of the superior court of said county now authorized by law.

CHAPTER 19.

An act to provide for the registration of bonds issued by the State of California, or any county, city and county, municipal corporation, or other public corporation.

[Approved April 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Whenever the owner of any coupon bond, or of any bond payable to bearer, already issued or hereafter issued by the State of California, or any county, city and county, municipal corporation, or other public corporation, now or hereafter existing in this state, shall present any such bond to the treasurer or other officer of such corporation, who by law performs the duties of treasurer, with a request for the conversion of such bond into a registered bond, such treasurer, or such other officer, shall cut off and cancel the coupons of any such coupon bond so presented, and shall stamp, print, or write upon such coupon bond, or such other bond payable to bearer, so presented, either upon the back or upon the face thereof, as may be convenient, a statement to the effect that the said bond is registered in the name of the owner, and that thereafter the interest and principal of said bond are payable to the registered owner. Thereafter, and from time to time

Registra-
tion of
bonds.

Transfer
of bonds.

any such bond may be transferred by such registered owner in person, or by attorney duly authorized on presentation of such bond to such treasurer, or such other officer, and the bond be again registered as before, a similar statement being stamped, printed or written upon any such bond may be in substantially the following form:

(Date, giving month, year, and day.)

Statement. This bond is registered pursuant to the statute in such cases made and provided in the name of ----- (here insert name of owner) and the interest and principal thereof are hereafter payable to such owner.

Treasurer (or such other officer.)

After any bond shall have been registered as aforesaid, the principal and interest of such bond shall be payable to the registered owner. Such treasurer, or such other officer, shall keep in his office a book or books which shall at all times show what bonds are registered and in whose names respectively.

Act appli-
cable to
all issues.

SEC. 2. Whenever under any statute of this state or any charter of any municipal corporation in this state, any bonds are issued, whether the proceedings for the issuance of such bonds have been had in whole or in part prior to the enactment of this statute, or whether the same have been had in whole or in part after the enactment of this statute, such bonds may be issued either in the form of coupon bonds, or in the form of registered bonds, or some in the form of coupon bonds, and some in the form of registered bonds, as has been or hereafter may be provided in the proceedings for the issuance of such bonds and notwithstanding any language or provision to the contrary contained in any such statute or charter authorizing the issuance of the bonds, or in any other law of the state. The provisions of section one of this act shall apply to coupon bonds so issued, as well as to other coupon bonds, or other bonds payable to bearer.

Fee for
registering.

SEC. 3. The state treasurer or other treasurer or official performing the duties of treasurer shall be entitled for so registering a bond or bonds to charge and collect a fee of fifty cents for every \$1,000.00 of the par value thereof for the purposes of providing the additional supplies and clerical help necessary in complying with this act.

CHAPTER 20.

An act increasing the number of judges of the superior court of the county of San Diego, State of California, and for the appointment of such additional judge.

[Approved April 14, 1913. In effect August 10, 1913.]

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

SECTION 1. The number of judges of the superior court of the county of San Diego, State of California, are hereby increased from three to four.

SEC. 2. Within sixty days after this act takes effect, the governor shall appoint one additional judge of the superior court of the county of San Diego, State of California, who shall hold office until the first Monday after the first day of January, 1915. At the next general election one judge of such superior court of said county shall be elected, who shall succeed the judge appointed under this act, and the person so elected shall hold office for the term prescribed by law.

SEC. 3. The salary of said additional judge shall be five thousand dollars per annum, and shall be paid at the same time and in the same manner as the salaries of the other judges of the superior court.

CHAPTER 21.

An act to organize and declare valid all proceedings in the San Ysidro irrigation district.

[Approved April 14, 1913. In effect August 10, 1913.]

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

SECTION 1. San Ysidro irrigation district as formed by the board of supervisors of San Diego county, State of California, and as now existing, is hereby organized and declared valid, and all proceedings in organization or formation are hereby approved and declared valid.

SEC. 2. The boundaries of said district are hereby declared to be as follows: Beginning at a point 1330.14 feet west of the quarter corner to section one, township 19 south, range 2 west and section 6, township 19 south, range 1 west, San Bernardino meridian, thence north along the subdivision line of said section 1, 2640 feet more or less to the line between townships 18 and 19 south, range 2 west; thence north along the subdivision line of section 36, township 18 south, range 2 west, 600 feet to a point; thence west 600 feet to a point; thence north 45 degrees, west 933.5 feet, more or less to the northwest corner of the southwest quarter of the southwest quarter of the

Bound-
aries.

southeast quarter of section 36; thence north along the north and south center line of section 36, 800 feet to a point; thence west 2640 feet more or less to a point on line between sections 35 and 36; thence north 522.80 feet to the quarter corner between sections 35 and 36; thence west 2640 feet more or less to the center of section 35; thence south along the center line of section 35, 1320 feet more or less to the eighth corner of said section 35; thence east along said subdivision line 1165 feet more or less to the northwest corner of the Levi Ware tract; thence south along the west line of said tract 600 feet more or less to the northerly line of the right of way of the San Diego Southern Railway; thence southeasterly along the northerly line of said right of way to a point 198 feet west of the line between sections 35 and 36; thence south 0 degrees 22 minutes west, 1355 75 feet, to the southwest corner of addition number 3 to San Ysidro, map on file in the county recorder's office of San Diego county, California; thence south 89 degrees 55 minutes east 950 feet more or less to the west line of "N" tract, San Ysidro subdivision; thence south along the west line of said "N" tract to the center line of section 1, thence east along the center line of section 1 to the place of beginning.

CHAPTER 22.

An act to authorize the superintendents of the Whittier State School and the Preston School of Industry to relinquish inmates from the control of either of said schools and to receive such inmates into the other of said schools and to provide for the expense of transferring such inmates and for the maintenance of the inmates so transferred.

[Approved April 14, 1913. In effect immediately.]

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

Transfer
of inmates
of state
schools
authorized.

SECTION 1. The superintendent of the Whittier State School is hereby empowered to relinquish from his control, and the superintendent of the Preston School of Industry is hereby empowered to receive and transfer to the Preston School of Industry such number of boys committed to and confined in the Whittier State School as by mutual agreement said superintendents shall deem expedient and necessary to properly and safely house during the rebuilding of said Whittier State School. The expenses of transfer both ways shall be met out of the funds of the Whittier State School. The estimated cost of maintaining the boys so transferred to the Preston School of Industry while they remain in said school shall also be paid for out of the funds of the Whittier State School upon the approval of the board of control. A number of boys equal to the number of boys so transferred and remaining in the Preston School of Industry shall be transferred to said Whittier School

as the needs and conveniences of said school will permit, upon mutual agreement between said superintendents and application by the superintendent of said Whittier State School, and the superintendent of the Preston School of Industry is hereby empowered to relinquish from his control and the superintendent of the Whittier State School is hereby empowered to receive and transfer to the Whittier State School such boys as may be so applied for, and the number of boys so transferred shall be deducted from the number of boys for whose maintenance the Whittier State School shall pay as provided for in this act.

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section one of article four of the Constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting the necessity for such urgency: The state department of engineering and experts engaged independently to inspect the main building of the Whittier State School have declared said building to be and the same is unsafe and unfit for human occupancy. Said building has been essential not alone to the proper conduct of the educational and other work of said institution, but also to provide living and sleeping quarters for the officers of said school and about two hundred of the boys committed thereto. The unsafe and unfit condition of such building constitutes a menace to the life and physical well-being of said officers and boys, and it is therefore deemed necessary for the immediate preservation of the public health and safety that such persons shall be at once removed from such building and that proper provision therefor should be made by law.

Urgency
measure
statement
of facts.

CHAPTER 23.

An act to amend section seventeen hundred twenty-three of the Code of Civil Procedure of the State of California, relating to the disposition of life estates or homesteads on owner's death in certain cases.

[Approved April 15, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1723 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1723. If any person has died or shall hereafter die who at the time of his death was the owner of a life estate which terminates by reason of the death of such person, or if such person at the time of his death was one of the spouses owning lands as a homestead, which land by reason of the death of such person, vest in the surviving spouse; any person interested in the property, or in the title thereto, in which such estates or interests were held, may file in the superior court of the county

Disposi-
tion of
life estates
and home-
steads.

in which the property is situated, his verified petition setting forth such facts, and thereupon and after such notice by publication or otherwise, as the court may order, the court shall hear such petition and the evidence offered in support thereof, and if upon such hearing it shall appear that such life estate of such deceased person absolutely terminated by reason of his death, or such homestead vested in the survivor of such marriage, the court shall make a decree to that effect, and thereupon a certified copy of such decree may be recorded in the office of the county recorder, and thereafter shall have the same effect as a final decree of distribution so recorded.

CHAPTER 24.

An act to amend section fifteen hundred eighty-four of the Political Code relating to the government of school districts by municipal charter.

[Approved April 15, 1913. In effect August 10, 1913.]

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

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

Government of school districts partly within city.

Section 1584. A school district, a portion of which is embraced within the limits of an incorporated city or town governed by a charter proposed and adopted as provided by section 8 of article XI of the constitution of the State of California, may be subject to, controlled and governed by the provisions of such charter relating to and providing for the management of public schools in the manner provided in this section. The board of trustees of such school district may provide for the holding of an election at the time, and in the form and manner for holding elections for school trustees, at which election shall be submitted the question of the district being governed by the provisions of the charter of such city or town. The ballots used at such election shall contain the words "Shall the (name of district) be governed by the charter of the city (or town) of _____?" and the words "Yes" and "No" so placed that the voters may clearly indicate their choice in this connection. The board having charge of such election shall count the ballots cast on such proposition and make return thereof to the board of trustees of such school district. If it shall appear from such returns that a majority of the votes cast on such proposition were in favor thereof, then said board of trustees shall certify said result to the board of education provided for in the charter of such city or town, and from and after the date of such certificate said school district shall be governed by the provisions of such charter relating to the establishment, management and control of the public schools; *provided, however*, that in any

Ballot.

case where any such school district or portion of school district, is embraced within the corporate limits of a city or town having such charter as is herein referred to, and the electors of such school district have participated in and voted at any school election held subsequent to the adoption of and under the provisions of such charter, then the electors of such school district shall be deemed to have submitted to be governed in all matters relating to the management of public schools within such school district or high school district as fully and to all intents and purposes as though the electors of such school district or high school district had by their votes elected to be governed by the provisions of such charter. All qualified electors residing in such school district, whether residing within or without the boundaries of such incorporated city or town, shall be entitled to vote for members of the board of education at any election held for that purpose.

CHAPTER 25.

An act to amend sections three and five of an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law February 25, 1901.

[Approved April 15, 1913. In effect August 10, 1913]

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

SECTION 1. Section three of an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law February 25, 1901, is hereby amended to read as follows:

Section 3. Such ordinance shall be published once a day for at least seven days in some newspaper published at least six days a week in such municipality, or once a week for two weeks in some newspaper published less than six days a week in such municipality, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week. In municipalities where no such newspaper is published, such ordinance shall be posted in three public places therein for two succeeding weeks. No other notice of such election need be given. It shall require the votes of two thirds of all the voters voting at such special election to authorize the issuance of the bonds herein provided; *provided, however,* should the proposition so submitted at such election fail to receive the requisite number of votes of the qualified voters, voting at such election to incur the indebted-

Electors.

Publica-
tion of
ordinance.

Vote
necessary.

ness for the purpose specified, the legislative body of such municipality shall have no power or authority within six months after such election to call or order another election for incurring any indebtedness for improvements, substantially the same as voted upon at such prior election, unless a petition signed by fifteen per centum of the qualified electors of such municipality computed upon the total number of votes cast therein for all candidates for governor at the last preceding election at which a governor was elected be filed with the legislative body of such municipality, requesting that such proposition, or a proposition substantially the same, be submitted at an election to be called for the submission of such proposition and to be held in accordance with the provisions of this act.

Resubmission of question.

SEC. 2. Section five of the aforesaid act is hereby amended to read as follows:

Payment of bonds.

Section 5. All municipal bonds issued under the provisions of this act shall be payable substantially in the following manner: A part to be determined by the legislative body of the municipality, which shall be not less than one fortieth part of the whole amount of such indebtedness, shall be paid each and every year on a day and date, and at a place or places to be fixed by the legislative body of the municipality issuing the bonds and designated in such bonds, together with the interest on all sums unpaid at such date; *provided, however*, that, in case of bonds issued for the acquisition, construction or completion of water works or light or power works or plants, or any other authorized revenue-producing public works, plant, utility or property, the legislative body of the municipality may, in its discretion, determine and fix a date for the earliest maturity of the principal of such bonds not more than ten years from the date of the issue of such bonds, but, in this event, the whole amount of such indebtedness must be made payable in equal annual parts in not to exceed forty years from the time of contracting the same. The bonds shall be issued in such denominations as the legislative body of the municipality may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day and at the place or places fixed in such bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of six per cent per annum, and shall be payable semi-annually, and said bonds shall be signed by the executive of the municipality, or by such other officer thereof as the council, board of trustees, or other legislative body of the municipality shall, by resolution adopted by a two-thirds vote of all its members, authorize and designate for that purpose; and also signed by the treasurer thereof, and shall be countersigned by the clerk. The coupons of said bonds shall be numbered consecutively and signed by the treasurer. In case any of such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signa-

Denomination of bonds.

Coupons.

tures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until the delivery of the bonds.

CHAPTER 26.

An act to amend section 852 of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved April 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 852 of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, is hereby amended to read as follows:

852. The members of the board of trustees and the clerk and treasurer, shall be elected by the qualified electors of said city or town at a general municipal election to be held therein on the second Monday in April in each even-numbered year. The clerk and treasurer shall hold office for the period of two years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. Members of the board of trustees shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified, and in event of resigning shall not vote on the selection and appointment of their successors. The respective terms of the members of the first board of trustees elected under the provisions of this act shall be determined as follows: the two persons elected by the highest number of votes shall hold office for four years; and the three persons elected by the lowest number of votes shall hold office for two years. In the event that two or more persons shall be elected by the same number of votes, the term of each shall be fixed by lot. The board of trustees may, in their discretion, appoint an attorney, a poundmaster, a superintendent of streets, a civil engineer, a marshal and such police and other subordinate officers as in their judgment may be deemed necessary, and fix their compensation, which said officers shall hold office during the pleasure of said board.

Election
and term
of officers.

Appointive
officers.

CHAPTER 27.

An act to amend section eight hundred and seventy-four of that certain act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

[Approved April 16, 1913. In effect August 10, 1913.]

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

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

Work exceeding value of \$300 done by contract.

Section 874. In the erection, improvement, and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays, or water fronts, or in or about embankments, or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditures required for the same exceed the sum of three hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation, printed and published in such city or town, for at least two weeks, or if there be no newspaper printed or published therein, by printing and posting the same in at least four public places therein for the same period; such notice shall distinctly and specifically state the work contemplated to be done; *provided*, that the board of trustees may reject any and all bids presented and re-advertise, in their discretion; *provided, further*, after rejecting bids, the board of trustees may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be performed more economically by day labor or the materials or supplies furnished at a lower price in the open market, and after the adoption of a resolution to this effect they may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; *and provided further*, that in case of a great public calamity such as an extraordinary fire, flood, storm, epidemic or other disaster, the board of trustees may, by resolution passed by vote of four fifths of all its members declare and determine that public interest and necessity demands the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed to expend or enter into a contract involving the expenditure of any sum required in such emergency.

By day labor.

Emergency expenditures.

City printing.

The board of trustees shall annually, at a stated time, contract for doing all city printing and advertising, which contract shall be let to the lowest responsible bidder, after notice as provided in this section.

CHAPTER 28.

An act to repeal sections seven hundred sixty-eight, seven hundred seventy-one, eight hundred sixty-six, and eight hundred sixty-nine of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved April 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Sections 768, 771, 866 and 869 of the act entitled ^{Repealed.} "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, are hereby repealed.

CHAPTER 29.

An act to amend section eight hundred seventy-six of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved April 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 876 of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, is hereby amended to read as follows:

876. It shall be the duty of the treasurer to receive and ^{Treasurer's} safely keep all moneys which shall come into his hands as ^{duty.} city treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the city clerk. He shall pay out said money on warrants signed by the proper officers, and not otherwise, except interest coupons on bonds. He shall make quarterly settlements with the city clerk. He shall collect all taxes levied by the board of trustees, if so required by ordinance.

CHAPTER 30.

An act to amend section seven hundred fifty-seven and eight hundred fifty-seven of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved April 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 757 of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, is hereby amended to read as follows:

Eligibility
of trustee.

757. No person shall be eligible to hold the office of trustee in such city, unless he be a resident and elector therein, and shall have resided in such city for one year next preceding the date of his election.

SEC. 2. Section 857 of the act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, is hereby amended to read as follows:

Eligibility
of trustee.

857. No person shall be eligible to hold the office of trustee in such city, unless he be a resident and elector therein, and shall have resided in such city for one year next preceding the date of his election.

CHAPTER 31.

An act to make an appropriation to pay the salaries and mileage of senators for the fortieth session of the legislature during the sixty-fourth fiscal year.

[Approved April 16, 1913. In effect immediately.]

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

Appropriation:
salaries
and mileage
of
senators.

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the salaries and mileage of senators for the fortieth session of the legislature of the State of California during the sixty-fourth fiscal year.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1, of article IV, of the constitution, take effect immediately.

CHAPTER 32.

An act making an appropriation for the pay of officers and clerks of the senate for the fortieth session of the legislature of the State of California during the sixty-fourth fiscal year.

[Approved April 16, 1913. In effect immediately.]

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

SECTION 1. The sum of thirteen thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated for the pay of officers and clerks of the senate for the fortieth session of the legislature during the sixty-fourth fiscal year.

Appropriation:
pay of
officers of
senate.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1, of article IV, of the constitution, take effect immediately.

CHAPTER 33.

An act to add a new section to the Code of Civil Procedure to be numbered section eighteen hundred and ten b, relating to contracts for attorney's fees made by and for the benefit of minors, to the fixing of such fees by the courts wherever judgments shall be recovered by or on behalf of minors, and to the payment of judgments for money to the guardian of minors.

[Approved April 16, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered eighteen hundred and ten b, to read as follows:

1810b. All contracts for attorney's fees made by or for the benefit of minors shall be void, and whenever a judgment shall be recovered by or on behalf of a minor, the attorney's fees chargeable against said minor shall be fixed by the court in which said judgment is rendered; and if said judgment is for money, and there is no general guardian of said minor, one shall be appointed by the court, and the entire amount of the judgment shall be paid to and shall be cared for by such general guardian, under the control of the court.

Attorney's
fees
against
minor
fixed by
court.

CHAPTER 34.

An act authorizing the appointment of two delegates from California as members of a commission which is to investigate European systems of rural credits and report thereon, and making an appropriation therefor.

[Approved April 18, 1913. In effect August 10, 1913.]

Rural
credits.

WHEREAS, Under the auspices of the southern commercial congress a commission composed of two delegates from each state is to be sent to Europe, during 1913, to study systems of rural credit and co-operative agricultural societies, and

WHEREAS, Said commission is to embody the result of its investigations in a report with a view of establishing in this country a system of agricultural finance and rural credits, and

WHEREAS, The congress of the United States has duly approved the project of sending said commission to Europe, and

WHEREAS, It is eminently fitting that delegates should be sent from California to take part in the work of the commission with a view to aiding the farmers of our state, therefore,

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

Delegates.

SECTION 1. The governor is authorized to appoint two delegates from California who shall take part in the commission which, under the auspices of the southern commercial congress, is to visit, during 1913, the various countries of Europe and there investigate the different systems of co-operative agricultural societies and rural credits and to report thereon with a view to establishing in this country a sound system of rural credits and agricultural finance.

Appropriation.

SEC. 2. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay the expenses, traveling and otherwise, of said delegates while serving as members of the said commission, and the state controller is hereby authorized to draw his warrant for the same in favor of the commission hereunder appointed and the state treasurer is directed to pay the same.

CHAPTER 35.

An act appropriating money to pay the expense of maintaining an exhibit of the products of the State of California at the universal and international exposition, to be held in the city of Ghent, in the kingdom of Belgium, in the year nineteen hundred thirteen, and providing for a commissioner thereof.

[Approved April 18, 1913. In effect immediately.]

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

SECTION 1. The sum of twelve thousand eight hundred and forty-eight dollars and five cents is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the purpose of collecting, transporting and maintaining an exhibit of the products of the State of California at the universal and international exposition to be held in the city of Ghent, in the kingdom of Belgium, in the year nineteen hundred thirteen. The governor of California is hereby constituted a commissioner, to be known as the Ghent international exposition commissioner, and he shall have exclusive charge and control of the appropriation herein made, with power to appoint all necessary persons for the purpose of carrying out the provisions of this act. The controller is directed to draw his warrant on the general fund from time to time in such amounts and in favor of such person or persons as the governor, the commissioner hereinbefore referred to, shall direct, and the treasurer shall pay the same.

Appropriation:
exhibit at
Ghent.

SEC. 2. The exhibit, or such portions of the exhibit, made at said Italian international exposition in the city of Turin in the year nineteen hundred eleven, as may be proper for exhibition at the said universal and international exposition to be held at Ghent in the year nineteen hundred thirteen shall be placed in proper condition for exhibition and transported to the city of Ghent for display at the opening of said universal and international exposition at the time of its opening on the twenty-seventh day of April, nineteen hundred thirteen, and the same shall be continuously displayed thereat until the close of said exposition in the month of November, nineteen hundred thirteen, and the person or persons in charge of said exhibit at the present time shall deliver the same over to such person or persons as the governor of the State of California shall direct to take charge of said exhibit at said universal and international exposition at Ghent.

Exhibit.

SEC. 3. This act is exempt from the provisions of section six hundred seventy-two of the Political Code of the State of California.

SEC. 4. This act inasmuch as it makes an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 36.

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

[Approved April 19, 1913. In effect immediately.]

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

Appropriation:
legislative
printing.

SECTION 1. The sum of eleven thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to defray the expense of legislative printing during the fortieth session of the legislature of the State of California.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1, of article IV of the constitution, take effect immediately.

CHAPTER 37.

An act making an appropriation for the pay of officers and clerks of the assembly for the fortieth session of the legislature of the State of California during the sixty-fourth fiscal year.

[Approved April 19, 1913. In effect immediately.]

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

Appropriation:
pay of
officers of
assembly.

SECTION 1. The sum of thirteen thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated for the pay of officers and clerks of the assembly for the fortieth session of the legislature during the sixty-fourth fiscal year.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1, of article IV of the constitution, take effect immediately.

CHAPTER 38.

An act to make an appropriation to pay the salaries and mileage of assemblymen for the fortieth session of the legislature of the State of California during the sixty-fourth fiscal year.

[Approved April 19, 1913. In effect immediately.]

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

SECTION 1. The sum of thirty-one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the salaries and mileage of assemblymen for the fortieth session of the legislature of the State of California during the sixty-fourth fiscal year.

Appropriation: salaries and mileage of assemblymen.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV, of the constitution, take effect immediately.

CHAPTER 39.

An act to amend an act entitled "An act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property" approved February 10, 1903, and amended March 3, 1909, by adding a new section thereto to be numbered section two a relating to the dissolution of such districts where they have no assets and have no indebtedness not barred by the statute of limitations and have ceased to be going concerns.

[Approved April 19, 1913. In effect August 10, 1913.]

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

SECTION 1. An act entitled "An act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property" approved February 10, 1903, and amended March 3, 1909, is hereby amended by adding thereto a new section to be known as section two a to read as follows:

Section 2a. In case an irrigation district has no indebtedness not barred by the statute of limitations and no assets and has ceased to be a going concern and has no irrigation system by which it conveys water for irrigation or domestic purposes to any of the residents of such district, the petition for dissolution mentioned in section two of said act shall contain statements showing such facts and also that it is the desire of the signers of such petition to have said district dissolved, and

Statement of district having no assets.

such petition need not contain any other statement or allegation, and such petition need only be signed by two thirds of the qualified electors residing in such district, and by the holders of title or evidence of title representing at least fifty per cent of the acreage within said district and not less than fifty per cent in value of all lands lying within the exterior boundaries of said district, the value of said lands to be determined by the last equalized assessment roll of said district, and such petition so signed and containing such statements and allegations shall be sufficient. In such case the plan of dissolution referred to in section three of said act may be entirely omitted and it shall not be necessary for the petitioners or persons signing such petition, or for the board of directors of such district to propose any plan for the dissolution of such district or any plan for the liquidation of its indebtedness or the distribution of its assets; *provided*, that the petition shall further recite the fact that an application will be made to the superior court of the State of California in and for the county in which the office of the board of directors of such district is required to be kept, for a decree of dissolution of said district under the provisions of said act. And in the case mentioned in this section, it shall not be necessary to obtain the assent of any holder of any indebtedness or evidence of indebtedness of said district barred by any statute of limitations of this state before the election provided for in said section three, shall be called. Upon the filing of said petition with the board of directors of said district said board shall call a special election at which shall be submitted to the electors of such district the question whether or not said district shall be dissolved. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days and also by publication of such notice in some newspaper published in the county where the office of the board of directors is required to be kept, once a week for at least three successive weeks before such election. Such notices must specify the time of holding the election, and the fact that it is proposed to dissolve the district. Said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with provisions of law governing the election of officers in irrigation districts. At such election the ballot shall contain the words "Dissolution of the district—Yes" or "Dissolution of the district—No," or words equivalent thereto. It shall not be necessary in winding up the affairs of any district organized under the laws of this state to pay all or any portion of any debt or obligation of such district, for the enforcement of which debt or obligation a suit is barred by the laws of this state, nor to pay any bond, coupon, warrant or other indebtedness, claim or demand which shall be barred by the laws of this state prior to the filing of the petition for dissolution with the board of directors of such district.

Special
election.

Ballot.

CHAPTER 40.

An act making an appropriation for the contingent expenses of the department of engineering.

[Approved April 21, 1913. In effect immediately.]

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

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the contingent expenses of the department of engineering. Appropriation: contingent expenses of department of engineering.

SEC. 2. The state controller is hereby directed to draw his warrants in favor of the department of engineering, in such sums and at such times as said department may present claims therefor and the state treasurer is directed to pay the same.

SEC. 3. This act inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV, of the constitution, take effect immediately.

CHAPTER 41.

An act to amend sections 1721, 1738, 1739 and 1749 of the Political Code of the State of California, relating to bonds for county high schools.

[Approved April 21, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1721 of the Political Code of the State of California is hereby amended to read as follows:

Section 1721. A high school district composed of two or more high school districts shall be known as a union high school district, and such designation shall be part of its name. If such school districts or portions thereof, are in more than one county, such union high school district shall be known as a joint union high school district and such designation shall be part of its name. Whenever the term high school district is used in this article or in article 15 of this chapter, it shall, unless a contrary intent appears, be deemed to include "Union high school districts," joint union high school districts and county high school districts. Any city school district which has been for a period of one year preceding the taking of effect of this section, established and maintained a high school within such district, shall be deemed to be and constitute a city high school district. Union high school districts.

SEC. 2. Section 1738 of the Political Code of the State of California is hereby amended to read as follows:

Section 1738. Whenever a petition, signed by fifty or more qualified electors and taxpayers of any county, is presented to Petition for county high school district.

the board of supervisors thereof, asking for the establishment of a county high school district in such county, the board of supervisors must submit the question of establishing a county high school district in said county to the qualified electors thereof, at the next general election held therein, or at a special election to be called by the board for that purpose. If a special election is called, notice thereof must be given by publication in some newspaper of general circulation published in the county, for at least two weeks before the election, or if there is no such newspaper, by posting the same conspicuously in five public places in the county, at least two weeks before the election. The ballots used at such election shall contain the words "County high school district—Yes," and "County high school district—No," and voters shall express their choice by marking a cross with pencil, ink or rubber stamp after the answer they desire to give. Said special election shall be conducted in the manner prescribed by this code for conducting special elections. The electors of any high school district existing in such county at the time of the submission of said proposition, shall be excluded from voting upon said proposition, unless, in addition to the petition above mentioned, there was also presented to said board of supervisors the petition of two thirds of the qualified electors residing in such high school district, or in case of a union high school district, the petition of two thirds of the qualified electors residing in each school district composing the union high school district; in which case the electors of the high school district or districts from which such petitions are presented, shall also be entitled to vote upon said proposition. If a majority of all votes cast upon the question of establishing a county high school district are in the affirmative, the board of supervisors shall make an order declaring the county high school district established and shall also declare the high school district or districts which participated in such election, upon the petitions hereinbefore required, to be lapsed, and the property of such lapsed high school district shall be held or sold by the board of supervisors for the benefit of the county high school district. The order of the board in regard to such lapsed districts shall be entered by the county clerk in his record of high school districts.

Sec. 3. Section 1739 of the Political Code of the State of California is hereby amended to read as follows:

Trustees
of county
high school
districts.

Section 1739. When a county high school district is established in any county, the county board of education shall be trustees of such county high school district and have control thereof, and shall have the same power and duties in regard thereto, as high school boards of other high school districts. All property required by them for the use of the high school district shall be taken in the name of the county and shall be disposed of only upon order of the board of supervisors made upon recommendation of the county board of education.

Sec. 4. Section 1749 of the Political Code of the State of California is hereby amended to read as follows:

Section 1749. In counties where a county high school district has been established under the provisions of this article, the board of trustees thereof may, when in their judgment it is advisable, and must, upon a petition of a majority of the qualified electors of said district, call an election and submit to the electors of said district the question whether the bonds of such district shall be issued and sold for the purpose of raising money for purchasing high school lots, for building or purchasing one or more high school buildings, or making alterations or additions to high school buildings, for repairing, restoring or rebuilding any high school building damaged, injured or destroyed by fire or other public calamity, for insuring high school buildings, for supplying high school buildings with furniture and necessary apparatus, for improving the grounds, or for any or all of said purposes. The conduct of said election and the issue, sale and payment of said bonds and the levy and collection of taxes for the payment of principal and interest thereon, shall be in the manner prescribed for the issuance of bonds of other high school districts. In case the qualified electors of any county deem it expedient to establish and maintain more than one county high school, then such additional school or schools may be established and maintained in the manner prescribed in this article for establishing and maintaining a county high school.

Bonds for
school
buildings.

CHAPTER 42.

An act to amend an act entitled "An act providing for the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteenth or thirty-sixth section, or legal subdivision thereof, has been or may hereafter be used as bases for lieu selections, in accordance with the provisions of section 3406 of the Political Code," approved May 1, 1911, by amending section one thereof relating to the cancellation of liens for taxes on sixteenth and thirty-sixth sections used as bases for lieu land selections, or to be used in the adjustment and settlement of any controversy regarding the school land grant made by congress to the State of California.

[Approved April 21, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1 of an act entitled "An act providing for the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteenth or thirty-sixth section, or legal subdivision thereof, has been or may hereafter be used as bases for lieu selections, in accordance with the provisions of section 3406 of the Political

Code," approved May 1, 1911, is hereby amended so as to read as follows:

Cancellation of liens for taxes on 16th and 36th sections.

Section 1. It shall be the duty of the board of supervisors of each county in the state, upon petition of the surveyor general of the State of California, at the first meeting of the board following the receipt of said petition, to order the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteenth or thirty-sixth section, or legal subdivision thereof, has been, subsequent to March 24, 1909, or may hereafter be, used as bases for lien selections, or which are to be used as bases for selections or conveyed to the federal government in accordance with, or pursuant to, the provisions of an act entitled "An act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the conveyance of land by officers of the state for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof," approved December 24, 1911. A certificate from the surveyor general setting forth the fact that any sixteenth or thirty-sixth section is necessary to be used as bases for lien selections, or is intended to be conveyed to the federal government in pursuance of the provisions of the act last hereinbefore referred to, shall be authority for the action of the board of supervisors in ordering the cancellation of liens for taxes on such lands.

CHAPTER 43.

An act to require county recorders to furnish the surveyor general of the State of California with certificates of the status of sixteenth and thirty-sixth sections and providing the fee therefor.

[Approved April 21, 1913. In effect August 10, 1913.]

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

Certificate of status of 16th and 36th sections.

SECTION 1. It shall be the duty of the county recorder of each county in the State of California, upon the request of the surveyor general of the State of California, to issue his certificate certifying to the status of any sixteenth or thirty-sixth section, or legal subdivision thereof, which are to be used as bases for selections or conveyed to the federal government in accordance with, or pursuant to, the provisions of an act entitled "An act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by congress to the State of California for the benefit of the public schools, and internal improvements, authorizing the

conveyance of land by officers of the state for the purpose of making such adjustment and settlement, and making an appropriation to carry out the provisions hereof," approved December 24, 1911.

SEC. 2. The county recorder shall transmit said county recorder's certificate to the surveyor general of the State of California upon the receipt of the fee of one dollar for the issuance of said certificate.

CHAPTER 44.

An act to amend section 3491 of the Political Code of the State of California, relating to the sale of school lands.

[Approved April 21, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 3494 of the Political Code of the State of California is hereby amended so as to read as follows:

3494. The unsold portion of the five hundred thousand acres granted to the state for school purposes, the sixteenth and thirty-sixth sections of school land belonging to the state, which are not situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and lands selected in lieu thereof on or before March 24, 1909, where the selection was duly forwarded to the local United States land office and given a register and receiver's number and forwarded to the general land office at Washington, D. C., and which became and now is a part of the records of such general land office at Washington, D. C., must be sold on and after September 1, 1915, but not before, (and no application shall be filed for said lands until on or after said September 1, 1915, except for lands for which an application may be on file, as hereinafter provided), at the rate of two dollars and fifty cents per acre, in gold coin, payable, twenty per cent of the principal within fifty days from the date of the certificate of location issued to the purchaser; the balance, bearing interest at the rate of seven per cent per annum, in advance, is due and payable within one year after the passage of any act by the legislature requiring such payment, or before, if desired by the purchaser; *provided, however*, that any applicant whose application was filed on or before March 8, 1911, and is now on file for any of the lands above described, to wit, the unsold portion of the five hundred thousand acres granted to the state for school purposes, the sixteenth and thirty-sixth sections of school land belonging to the state which are not situated within the exterior boundaries of a military, Indian or forest res-

Sale of school land.

After September 1, 1915.

Application made before March 8, 1911.

ervation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and lands selected in lieu thereof on or before March 24, 1909, where the selection was duly forwarded to the local United States land office and given a register and receiver's number and forwarded to the general land office at Washington, D. C., and which became and now is a part of the records of such general land office at Washington, D. C., may complete the purchase of such lands at the rate of one dollar and twenty-five cents (\$1.25) per acre, in gold coin, payable, twenty per cent of the principal within fifty days from the date of the certificate of location, the balance, bearing interest at the rate of seven per cent per annum, in advance, is due and payable within one year after the passage of any act of the legislature requiring such payment, or before if desired by the purchaser; *and provided, further*, that any applicant whose application was filed on or subsequent to March 9, 1911, for any of the lands above authorized to be sold may complete the purchase of such lands at the rate of two dollars and fifty cents per acre; *provided*, said application for the lands in this section authorized to be sold be good and valid and said applicant shall have complied in all respects with the laws in relation to the sale of such lands. The sixteenth and thirty-sixth sections of school land which are situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, are withdrawn from sale. Nothing herein contained shall be construed as a recognition that the said sixteenth and thirty-sixth sections last above referred to have not heretofore been withdrawn from sale. Lieu lands applied for or selected subsequent to March 24, 1909, shall be sold and disposed of as provided in article I of chapter I of title VIII of part III of this code; *provided further, however*, that nothing herein contained shall be construed or held to prevent the contesting of any application, now on file which is subject to contest and any qualified person may at any time in the manner and within the time provided by law for contesting applications contest the application of any applicant now on file and for such purpose may at any time after the approval hereof file his application for any of the lands authorized to be sold by this section and for which an application is now pending, which lands shall be sold to such contesting applicant at the rate of two dollars and fifty cents (\$2.50) per acre and under the terms and conditions in this section provided.

\$1.25 per
acre.

\$2.50 per
acre.

Sections
with-
drawn.

Lieu
lands.

CHAPTER 45.

An act to amend an act entitled "An act providing for the conveyance by quitclaim deed, from the State of California to the government of the United States, of certain lands erroneously conveyed or patented to said state by said government," approved May 1, 1911.

[Approved April 21, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1 of an act entitled "An act providing for the conveyance by quitclaim deed, from the State of California to the government of the United States, of certain lands erroneously conveyed or patented to said state by said government," approved May 1, 1911, is hereby amended so as to read as follows:

Section 1. In all cases where it appears to the register of the state land office that the government of the United States has, through error or misdescription, conveyed to the State of California any lands, the said register of the state land office shall certify said facts to the governor, and it shall be the duty of the governor of this state to cause to be executed and delivered to the government of the United States, a conveyance by quitclaim deed, of all such land so erroneously conveyed or patented. Such deed shall be executed on behalf of the State of California by the hands of the governor and of the secretary of state, and shall be attested by the great seal of state, and recorded in the office of the register of the state land office.

Quit-
claim deed
to lands
erroneously
conveyed
to state.

CHAPTER 46.

An act to amend section 3398 of the Political Code of the State of California relating to the surveyor general being the general agent of the state for the location in the United States land offices of lieu and indemnity land; relating also to locations in United States land offices of lands desired to be selected in lieu of grants made to the state, and said section as hereby amended also providing that the surveyor general shall not perfect or amend selections made on or before March 21, 1909, and also providing that no further action thereon shall be taken and also relating to amending or correcting selections, re-selections, amended selections, designations and re-designations.

[Approved April 21, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 3398 of the Political Code of the State of California is hereby amended so as to read as follows:

3398. The surveyor general is the general agent of the

Surveyor
general
location
agent for
state.

state for the location in the United States land offices of the lands desired to be selected and located in lieu of the sixteenth and thirty-sixth sections granted to the state for the use of the public schools, and in lieu of any and all losses sustained by the state to its school grant, whenever he is authorized by law to make such location or locations, or whenever for any reason he is authorized to select lands in lieu of grants made to the state; but no such selection or re-selection, designation or re-designation or amended selection shall hereafter in any manner be made, except upon the surrender to the surveyor general, as in this article provided, of a certificate of indemnity or scrip. The surveyor general shall not perfect or amend or correct any selection, re-selection, amended selection, designation or re-designation made on or before March 24, 1909, or take any action whatever in relation thereto or thereon, unless the request therefor is accompanied by certificates of indemnity or scrip equal in acreage to the selected lands or the portion of such selection desired to be corrected, or amended or designated or re-designated, and, also, unless the said selection, re-selection, amended selection, designation or re-designation was duly received by the register or receiver of the local United States land office, and given a register and receiver's number and duly forwarded to the general land office at Washington, D. C., and became and now is a part of the records of such general land office at Washington, D. C. No selection of any land for which a certificate of purchase is outstanding shall be made by the surveyor general until the certificate of purchase issued therefor shall have been surrendered. Nothing herein contained shall be held or construed to mean that prior to the passage hereof the surveyor general was authorized to perfect, or amend or correct any selection, re-selection, amended selection, designation or re-designation, except upon the surrender to the surveyor general, of a certificate of indemnity or scrip.

CHAPTER 47.

An act to amend section 67 of the Code of Civil Procedure of the State of California, relating to the number of superior court judges and providing for the appointment of four additional superior court judges in and for the city and county of San Francisco, and providing for their compensation.

[Approved April 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 67 of the Code of Civil Procedure of the State of California, is hereby amended to read as follows:

67. In the city and county of San Francisco, there shall be sixteen judges of the superior court, any one or more of whom

Judges in
San Fran-
cisco.

may hold court; and there may be as many sessions of said court at the same time, as there are judges thereof. The said judges shall choose from their own number, a presiding judge, who may at any time be removed as presiding judge, and another chosen in his place by a vote of any nine of them. The presiding judge shall distribute the business of the court among the judges thereof, and prescribe the order of business, and perform such other duties as the judges of said court may by rule provide. The judgments, orders and proceedings of any session of the superior court, held by any one or more of the judges of said court, shall be equally as effective as if all of said judges of said court presided at such session.

Within ninety days after this act becomes a law, the governor shall appoint four judges of the superior court in the city and county of San Francisco, in addition to the twelve superior court judges already provided for by law, in and for said city and county of San Francisco, State of California, who shall hold office until the first Monday after the first day of January, 1915. At the next general election to be held in November, 1914, four additional judges of the superior court shall be elected in the city and county of San Francisco, who shall be successors of the judges appointed hereunder for the term prescribed by the constitution and by law. The salaries of the said additional judges shall be the same in amount and be paid in the same manner and at the same time as the salaries of the other judges of the superior court in and for the city and county of San Francisco, and now authorized by law.

Appoint-
ment of
additional
judges.

Salaries.

CHAPTER 48.

An act to regulate certain scaffolding or staging for the protection of workmen; requiring that in addition to the duties imposed by any law upon employers using or directing or permitting the use of scaffolding or staging swung or suspended from an overhead support such employers shall be subject to the provisions of this act; fixing penalties for a violation hereof to be the same as provided in section 402c of the Penal Code; and providing for the enforcement of this act by the commissioner of the bureau of labor statistics.

[Approved April 22, 1913. In effect August 10, 1913.]

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

SECTION 1. All scaffolding or staging, swung or suspended from an overhead support which is more than twenty feet from the ground or floor, shall have a safety rail of wood or other equally rigid material of sufficient strength to bear any sudden strain there against equal to four times the weight of an ordinary man, such rail to be properly secured and braced

Safety
rail on
scaffolding.

in a manner to withstand a sudden strain as hereinbefore prescribed; such rail to rise at least thirty-four inches above the floor or floors or main portions of such scaffolding or staging, and extending along the entire length of the outside and the ends thereof, and properly attached thereto to withstand any strain as hereinbefore provided; and such scaffolding or staging shall be fastened so as to prevent the same from swaying from the building or structure, or place of work where such scaffolding or staging is being used. Any and all parts of such scaffolding or staging shall be of sufficient strength to support, bear, or withstand, with safety, any weight of persons, tools, appliances, or materials that may be placed thereupon or that are to be supported thereby while such scaffolding or staging is being used for any of the purposes thereof.

Safety
lines.

SEC. 2. In addition to the duties imposed upon an employer by any law regulating or relating to scaffolding or staging, it shall be the duty of such employer who uses or permits the use of scaffolding or staging, as defined in section one of this act, in connection with construction, alteration, repairing, painting, cleaning or the doing of any other kind of work upon any building structure, or other thing or place of work, to furnish safety lines to tie all hooks and hangers back on the roof of such building, structure or other thing or place of work, and to provide safety lines hanging from the roof, securely tied thereto, and one such line to be provided between each pair of hangers or falls and near the ends of all such scaffolding or staging. When planks are used for the platforms or floors of such scaffolding or staging, they shall be not less than fourteen inches in width, and not less than one and one half inches in thickness, and shall be of wood free from knots or fractures impairing the strength of such planks. Not more than two men shall be allowed or placed to work between two hangers or falls upon such scaffolding or staging.

Penalty.

SEC. 3. Any violation of the provisions of this act shall be punishable as provided in section four hundred and two c of the Penal Code, and shall be in addition to the penalties provided therein for the violation of any of the provisions of the said section.

SEC. 4. It shall be the duty of the commissioner of the bureau of labor statistics to enforce the provisions of this act.

CHAPTER 49.

An act to amend section one thousand seven hundred and fifty-eight of the Political Code of the State of California, relating to the payment of tuition of non-resident pupils attending high schools in the several high schools or in an adjoining county.

[Approved April 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one thousand seven hundred and fifty-eight of the Political Code of the State of California is hereby amended to read as follows:

1758. For the purpose of defraying the cost of educating high school pupils residing in any county and not in any high school district, a special tax shall be annually levied by the board of supervisors of each county in which there is no county high school upon all property in the county not situated in any high school district, in the manner hereinafter provided. Every superintendent of schools to whom any report is made under section seventeen hundred forty-three, shall verify each such report as to the new pupils therein mentioned as attending high school and residing in his county but not in any high school district, and shall compile a report showing the total number of such high school pupils residing in his county outside of any high school district, the net cost of educating each of such pupils, the total net cost for all of such pupils, and the total net cost to each high school district for all of such pupils attending therein; to be determined as hereinafter provided. The net cost in any year of educating a new pupil attending a high school and not residing in any high school district shall be the excess, if any, of the total cost, for such year, of educating each high school pupil of the district maintaining such high school over the amount per pupil paid by the state to such high school district for that year. If it shall appear to a superintendent of schools by the reports of the principals in the several high schools of his county that pupils living in an adjoining county are attending high school in his county, then said superintendent of schools shall compile a report showing the names of said pupils, the county from which they came and the net cost of educating each and the total cost of educating all of such pupils. Said report shall be forwarded by registered mail to the superintendent of schools of the county from which such pupils attend, to be by said superintendent of schools to whom such report is sent filed with the board of supervisors of such county on or before September first of each year. The cost of educating each high school pupil of any high school district shall be determined by dividing the total amount expended by the high school district for maintaining school during any school year, by the average daily attendance of pupils enrolled in the high schools of the district during the

Tax for tuition of non-resident pupils.

Net cost.

same school year. The amount paid per pupil by the state to any high school district in any one year shall be determined by dividing the high school district's income from the state high school fund for that year, by the average daily attendance of pupils enrolled in the high schools of the district for that year.

CHAPTER 50.

An act to amend section one hundred and ninety-seven of the Civil Code of the State of California, relating to the custody, services, and earnings of legitimate unmarried minor children.

[Approved April 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 197 of the Civil Code of the State of California is hereby amended to read as follows:

Custody
of minors.

197. The father and mother of a legitimate unmarried minor child are equally entitled to its custody, services and earnings. If either the father or mother be dead or unable or refuse to take the custody or has abandoned his or her family, the other is entitled to its custody, services and earnings.

CHAPTER 51.

An act to amend an act entitled "An act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county foresters; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909.

[Approved April 22, 1913. In effect August 10, 1913.]

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

County
boards of
forestry.

SECTION 1. The board of supervisors in each and every county or city and county of the State of California may, in

its discretion, appoint a county board of forestry, consisting of five persons, one from each supervisorial district, who shall serve without compensation, and who shall have exclusive charge and control of all shade and ornamental trees, hedges, lawns, shrubs and flowers growing or to be grown upon the public roads, highways, grounds and property within its respective county.

SEC. 2. Whenever the board of supervisors of any county or city and county in this state shall, by resolution or ordinance, elect to avail itself of the provisions of this act, such board shall, within two months thereafter, appoint five suitable and competent persons, one from each supervisorial district of such county or city and county, as a county board of forestry in and for such county, who shall serve as such without compensation; and may also fix the compensation of a county forester, to be appointed as hereinafter provided at a sum not to exceed \$150.00 per month.

Appoint-
ment of
members.

Pay of
county
forester.

SEC. 3. The term of office of such county board of forestry shall be four years, *provided, however*, that the persons first appointed shall so classify themselves by lot that two of their number shall retire from office at the end of two years, two at the end of three years and one at the end of four years. If any vacancy occurs in the office, such vacancy shall be filled, for the unexpired term, by the board of supervisors.

Term of
office.

SEC. 4. Within ten days after notice of their appointment, the members of said county board of forestry shall organize by the election of one of their members as chairman and adopt suitable rules for their government.

Organiza-
tion of
board.

SEC. 5. When organized, said county board of forestry, may employ a suitable and competent person as county forester to serve as such during the pleasure of the board and to prescribe the duties of such employee.

Appoint-
ment of
forester.

SEC. 6. Such forester, when appointed shall execute a bond to said board, in the sum of \$1,000.00, for the faithful performance of his duties. He shall be the secretary of said board and shall perform such other duties as said board shall prescribe. Said forester shall have power and it shall be his duty to enforce the provisions of this act and all lawful orders of said board.

Bond and
duties.

SEC. 7. Every county board of forestry appointed under the provisions of this act shall, within its respective county, have power over and jurisdiction to decide upon the variety, kind and character of trees, hedges, shrubs, lawns and flowers that shall be planted upon said roads, highways, grounds and property; and to determine all questions respecting the pruning, cutting and removal of any trees or hedges now growing and to grow thereon and the necessity therefor and the extent of and the manner in which said work shall be done; and, under the authority of the board of supervisors of its respective county, to plant and properly care for such trees, hedges, shrubs, lawns and flowers; and to enforce, carry out and effectuate the provisions of this act; *provided, however*, that said

Powers
of board.

board, in the exercise of its powers and the performance of its duties hereunder, shall not interfere with the jurisdiction of the board of supervisors over the roads, highways, grounds and property in the improvement, care and general control thereof.

Trimming
trees, etc.

SEC. 8. It shall be unlawful for any person or corporation (except said board of forestry or its employees) in any county or city and county where a county board of forestry has been created and appointed under the provisions of this act, to trim, prune, cut, deface, destroy or remove any shade or ornamental tree or hedge growing or to grow upon any such road, highway, ground or property or to paint, place, attach to or put upon any such trees, hedges, shrubs, lawns or flowers, any sign, notice, advertisement or advertising device without the consent in writing of said board first obtained, or to plant any tree or hedge, on any such road, highway, ground or property without such written consent; *provided, however,* that nothing in this act shall give such county board of forestry any jurisdiction over any fruit or nut trees now growing along said roads, highways, grounds or property, except that such trees may not be removed without the consent of the said board of forestry.

Fruit trees
excepted.

Penalty.

SEC. 9. Every person who shall violate any of the provisions of section 8 of this act, shall be guilty of a misdemeanor.

SEC. 10. All moneys received as penalties for the violation of the provisions of this act, shall be paid into the county treasury to the credit of the county board of forestry fund; which fund is hereby created, and the moneys thereof hereby appropriated for the expenses of said board in the carrying out of the provisions of this act and the policy and purposes herein provided.

SEC. 11. County boards of supervisors, whenever the provisions of this act are availed of, shall appropriate money for the use of said county board of forestry sufficient to pay the compensation of said county forester and for the necessary expenses of said county board of forestry.

SEC. 12. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 52.

An act to amend section 1583 of the Political Code of the State of California, relating to the apportionment of school funds to joint school districts.

[Approved April 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1583 of the Political Code of the State of California is hereby amended to read as follows:

Section 1583. Whenever a district lies partly in one county

and partly in another, the county superintendent must apportion to such district such proportion of the school money to which such district is entitled, as the number of school children in average daily attendance residing in that portion of the district situated in his county bears to the total number of children in average daily attendance in the entire district. The teacher or teachers in such joint school districts shall make a separate report of the attendance from the different counties and shall combine these reports on a principal's report blank and send copies of all such reports to each county superintendent of schools in whose county parts of the district are located. The text-books to be used, and the rules governing the school in such district, shall be those adopted by the board of education of the county in which the schoolhouse in said joint district is located. The trustees of joint districts shall make to the superintendents of each county in which the district is located, the reports which other trustees are required to make. The teacher in such joint district shall hold a certificate in the county in which the schoolhouse is located.

Apportionment of school funds to joint districts.

CHAPTER 53.

An act to amend section 1593 of the Political Code of the State of California, relating to the date of the election of school trustees.

[Approved April 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1593 of the Political Code of the State of California is hereby amended to read as follows:

1593. *First*—An election for school trustees must be held in each school district on the first Friday of April of each year, at the district schoolhouse, if there is one, and if there is none, at the place to be designated by the board of trustees.

Election for school trustees.

Second—The number of school trustees for any school district, except where city boards are otherwise authorized by law, shall be three. No person shall be deemed ineligible to the office of trustee on account of sex.

Number.

Third—In new school districts the school trustees shall be elected on the first Friday of April subsequent to the formation of the district, to hold office for one, two and three years, respectively, from the first day of May next succeeding their election.

New districts.

Fourth—When a vacancy occurs from any of the causes specified in section nine hundred and ninety-six of this code, the county superintendent of schools shall appoint a suitable person to fill such vacancy until the first day of May next succeeding the appointment, and a trustee shall be elected at the next April election, to hold office for the remainder of the term.

Vacancy.

Annual
election.

Fifth—Except as provided in subdivisions two and three of this section, one trustee shall be elected annually, to hold office for three years from the first day of May next succeeding his election, or until his successor shall be elected, or appointed, and qualified.

CHAPTER 54.

An act to amend section 1551 of the Political Code of the State of California, relating to the report of the superintendent of schools of each county.

[Approved April 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1551 of the Political Code of the State of California is hereby amended to read as follows:

County
superin-
tendents'
annual
report.

1551. Every school superintendent in this state must, on or before the first day of August in each year, report to the superintendent of public instruction, and to the board of supervisors of his county, the average daily attendance in the day and evening elementary schools and of the day and evening high schools as appears by the teachers' reports on file in his office for the school year immediately preceding. It shall be the duty of every county superintendent to inquire and ascertain whether the boundaries of the school districts in his county are definitely and plainly described in the records of the board of supervisors, and to keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting or incorrectly described, he shall report such fact to the board of supervisors, and the board of supervisors shall immediately take such steps as are necessary to change, harmonize and clearly define them. The county superintendent, if he deem it necessary, may order the description of the district boundaries printed in pamphlet form, and pay for the same out of the unapportioned county school fund of the county.

CHAPTER 55.

An act to repeal section 1624 of the Political Code of the State of California requiring the appointment of school census marshals.

[Approved April 22, 1913. In effect August 10, 1913.]

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

Repealed.

SECTION 1. Section 1624 of the Political Code of the State of California is hereby repealed.

CHAPTER 56.

An act to repeal section 398 of the Penal Code of California relating to the sale of firearms and ammunition to Indians.

[Approved April 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 398 of the Penal Code of California is Repealed. hereby repealed.

CHAPTER 57.

An act to add a new section to an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds." approved April 7, 1911, to be known as section 79a, defining a certain portion of said act.

[Approved April 22, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, to be numbered section seventy-nine *a* and to read as follows:

Section 79a. The word "places" as used in this act, shall be deemed to, and is hereby declared to include any public pleasure ground and common which has been dedicated and accepted according to law, and this act shall include the improvement of a public pleasure ground and common. "Places" defined.

CHAPTER 58.

An act to amend section 631 of the Code of Civil Procedure of the State of California, relating to findings.

[Approved April 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 634 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Waiving
findings of
fact.

634. Findings of fact may be waived by several parties to an issue of fact:

1. By failing to appear at the trial;
2. By consent in writing filed with the clerk;
3. By oral consent in open court, entered in the minutes.

In all cases where the court directs a party to prepare findings, a copy of said proposed findings shall be served upon all the parties to the action at least five days before findings shall be signed by the court, and the court shall not sign any findings therein prior to the expiration of such five days.

CHAPTER 59.

An act to amend sections 1198 and 1199 of the Political Code, relating to books and records of ballots and number of ballots to be provided by the county clerk or registrar and the destruction of unused ballots.

[Approved April 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1198 of the Political Code is hereby amended to read as follows:

Binding
of ballots.

1198. All ballots, when printed, shall be bound in stub books, each book to consist of ten, or some multiple of ten, ballots and so issued. A record of the number of ballots printed by them shall be kept by the respective county clerks, and by the clerk or secretary of the legislative body of each incorporated city or town.

SEC. 2. Section 1199 of the Political Code is hereby amended to read as follows:

Number
of ballots
furnished.

1199. The county clerk or registrar of voters of each county shall provide for each election precinct in the county ten general tickets for every eight or fraction of eight electors registered in the election precinct for such election; and an additional ten ballots for each election precinct that has less than thirty registered electors: *provided*, that no ballot pad used or provided for any election shall contain less than ten general tickets for such election, and in case of a consolidated city and county, an equal number of municipal tickets, when

any city and county officers are to be elected and the clerk or secretary of the legislative body of any incorporated city or town shall furnish a like number of municipal tickets when any city or town officer is to be elected. And upon the day of election, immediately upon the arrival of the hour when the polls are required by law to be closed, the county clerk in each county shall openly, in his main office, in the presence of as many persons as may there assemble to observe his act, proceed to destroy every unused ballot which shall have remained in his possession, custody, or control, and forthwith make and file his affidavit, in writing, as to the number of ballots so destroyed.

Destruction of unused ballots.

CHAPTER 60.

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

[Approved April 22, 1913. In effect August 10, 1913.]

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

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

Section 39. The board of directors shall then, within fifteen days after the close of its session as a board of equalization, levy an assessment sufficient to raise the annual interest on the outstanding bonds, and in any year in which any bond shall fall due must increase such assessment to an amount sufficient to raise a sum sufficient to pay the principal of the outstanding bonds as they mature; also, sufficient to pay in full all sums due, or that shall become due from the district, before the time for levying the next annual assessment, on account of rentals or charges for lands, water or water rights acquired by said district under lease or contract; also, sufficient to pay in full the amount of any other contract or obligation of the district which shall have been reduced to judgment. The secretary of the board must compute and enter in a separate column of the assessment book the respective sums in dollars and cents to be paid as an assessment on the property therein enumerated. When collected, the assessment shall be paid into the district

Assessment for interest.

treasury and be apportioned to the several proper funds. In case of the neglect or refusal of the board of directors to cause such assessment and levies to be made as in this act provided, then the duly equalized assessment made by the county assessor of the county or each of the respective counties in which the district is situated shall be the basis of assessment for the district, and the board of supervisors of the county in which the office of the board of directors of said district is situated shall cause an assessment roll of said district to be prepared, and shall make the levy required by this act, in the same manner and with like effect as if the same had been made by said board of directors and all expenses incident thereto shall be borne by such district and may be collected by suit at law, which shall be commenced by the district attorney of the county whose board of supervisors caused said assessment roll to be prepared, unless the amount of such expenses shall be paid within sixty days from the time when proper demand shall have been made therefor. In case of the neglect or refusal of the collector or treasurer of any irrigation district to perform the duties imposed by law, then the tax collector and the treasurer of the county in which the office of the board of directors of such district is situated must respectively perform such duties and shall be accountable therefor upon their official bonds; but, in case any county tax collector shall collect any assessment for any irrigation district, he shall pay the same to the county treasurer, who shall place such money in a special fund to the credit of the district and shall disburse the same to the proper persons for the purposes for which such assessments have been levied and shall not pay any part thereof to the treasurer of said district until said county treasurer shall be satisfied that all of the valid obligations for which such assessments were levied and for which payment has been demanded have been paid. It shall be the duty of the district attorney of each county in which the office of any irrigation district is located to ascertain each year whether the duties relating to the levying and collection of assessments, as in this act provided, have been performed, and, if he shall learn that the board of directors or any official of any such irrigation district has neglected or refused to perform any such duty, said district attorney shall so notify the board of supervisors or the county official required by this act to perform such duty in such case, and, unless such board of supervisors or such county official shall proceed to the performance of such duty within thirty days after the receipt of such notice, the district attorney shall take such action in court as may be necessary to compel the performance of such duty, and said district attorney shall give such notice to other officials, and shall take such action, as may be necessary to secure the performance in their proper sequence of the other duties relating to the levying and collection of assessments, as in this act provided; *provided*, that for the enforcement of the levying and collection of any assessment hereafter required to be levied and collected for the payment of any debt hereafter

Neglect of
duty of
collector.

Duty of
district
attorney.

incurred, in case complaint shall be made to the attorney general of the State of California that the district attorney of any county has not performed any duty devolving upon him by the provisions of this section, or that he is not proceeding with due diligence or in the proper manner in the performance of any such duty, the attorney general shall make an investigation, and if it shall be found that such charge or charges are true, said attorney general shall take such measures as may be necessary to enforce the performance of the duties relating to the levying and collection of assessments, as in this act provided. In case, as the result of the neglect or refusal of any official or officials to perform any duty relating to the levying and collection of assessments, as in this act provided, it shall be impossible for such duty to be performed within the time required and such duty shall subsequently be performed, then the time within which all duties consequent upon the performance of such duty shall be performed shall be extended so as to allow the elapsing of the intervals required by this act to elapse between the performance of such duties, and the assessments herein provided for shall not become delinquent for at least thirty days after the first publication of the notice that such assessments are due and payable, as provided in section forty-one of this act. In the event any land within said district subject to assessment for the purposes of the district has not been assessed by the county assessor or does not appear upon the county assessment roll adopted by said board of supervisors as the basis of assessment for the district, the land so omitted belonging to any person, association, corporation, or municipality shall be forthwith assessed by the county assessor upon an order of the board of supervisors and a description of the property so omitted shall be written in the roll prepared for the purpose of district assessments. In such case, before any assessment is levied, the board of supervisors must meet and equalize said assessment with that of the assessment of other lands in said district. The same notice shall be given by the board of supervisors of such meeting for the purpose of equalizing the assessment to be made as herein directed as is provided in this act to be given by the board of directors of an irrigation district when the said board is to meet for the purpose of equalizing assessments. All the powers and duties respecting the collection of all assessments on possession of, claim to, or rights to the possession of land now provided in sections 3820, 3821, 3822, 3823, 3824, 3825 and 3829 of the Political Code, as regards county assessors shall apply, so far as applicable, to irrigation district assessors.

Extension
of time.

Assessment
of land
omitted.

CHAPTER 61.

An act to amend section two thousand six hundred ninety-two of the Political Code of the State of California relating to private roads and private ways for canals.

[Approved April 22, 1913. In effect August 10, 1913.]

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

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

Opening
of private
ways.

2692. Private or byroads or private ways for a canal may be opened, laid out, or altered for the convenience of one or more residents or freeholders of any road district in the same manner as public roads are opened, laid out, or altered, except that only one petitioner shall be necessary, who must be either a resident or freeholder in said road district: and the board of supervisors may for like cause order the same to be viewed, opened, laid out, or altered, the person for whose benefit said road or private way for a canal is required paying the damages awarded to land owners, and keeping the same in repair; *provided*, that the petitioners must accompany the petition with the bond mentioned in section two thousand six hundred and eighty-three, conditioned as provided in said section, and with a further condition that the bondsmen will pay to the person over whose land said road or private way for a canal is sought to be opened, his necessary costs and disbursements in contesting the opening of such road or private way for a canal, in case the petition be not granted, and the road or private way for a canal finally not opened; *provided*, that all private roads or private ways for canals opened, or laid out, under the provisions of this act, shall be upon section or half section lines wherever practicable.

Bond.

CHAPTER 62.

An act legalizing the consolidation and reorganization of reclamation district No. 729 with reclamation district No. 108, in the counties of Yolo and Colusa; fixing, defining and establishing the boundaries of the consolidated district; providing for its management and control, subject to the provisions of the Political Code of California, and to other laws of said state relative to reclamation districts; and repealing all acts and parts of acts inconsistent therewith.

[Approved April 23, 1913. In effect August 10, 1913.]

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

SECTION 1. The reorganization and consolidation of reclamation district No. 729, with reclamation district No. 108, in

the counties of Yolo and Colusa, pursuant to notice thereof filed in the office of the county recorder of Yolo county, are hereby approved, confirmed, ratified, legalized and declared valid. The territory hereinafter bounded and described shall constitute the consolidated and reorganized district, to be known and numbered reclamation district No. 108, as heretofore designated of the register of the state land office, which shall be the successor of each of said two reclamation districts, and its board of trustees shall be the successors of and shall have all of the powers, duties and obligations that the said respective boards of trustees of each of the two districts had prior to such consolidation, and shall have power to take all proceedings required or necessary, and perform all acts required or authorized by the board of trustees for, and to levy or collect assessments in each of said districts, for any indebtedness existing in either, prior to their consolidation. The assessment lists of each district, and of the consolidated district, shall be filed with the board of supervisors of Colusa county, who shall hear objections to any assessments, modify, amend or approve the same. pursuant to the provisions of section 3462 of the Political Code, and original lists shall thereafter, pursuant to said last mentioned section, be filed with the county treasurer of Colusa county, and the certified copy therein referred to, with the county treasurer of Yolo county. None of the lands contained within the description set forth in section three of this act, which do not lie within the boundaries of either reclamation district No. 108 or reclamation district No. 729, prior to their reorganization and consolidation, as set forth in section one hereof, shall be liable for any indebtedness or obligations of either incurred before this act shall take effect.

Consolidation of reclamation district No. 729 with No. 108.

Assessment lists.

SEC. 2. The management, control and government of said reclamation district No. 108, as so reorganized and consolidated, and in all proceedings in relation thereto, and of the board of trustees thereof, in all other respects, shall be under and pursuant to all of the provisions of the Political Code of California, and to the other laws of said state relative to reclamation districts formed under the said Political Code.

Management.

SEC. 3. The exterior boundaries of said reclamation district No. 108, in the said counties of Colusa and Yolo, as so reorganized and consolidated, shall be, and the same are hereby fixed, defined, established and determined as follows: Commencing at a point on the right bank of the Sacramento river at a point from whence an oak tree 30 inches in diameter standing 270 feet southerly from the center of an Indian mound bears south $43\frac{1}{2}^{\circ}$ west 640 feet distant, and which point is the northwest corner of reclamation district No. 787, in the county of Yolo, State of California; thence south $43\frac{1}{2}^{\circ}$ west, along the westerly boundary line of reclamation district No. 787, to said oak tree 30 inches in diameter, situated 270 feet southerly from the center of said Indian mound; thence south $43\frac{1}{2}^{\circ}$ west, along said boundary of reclamation district

Boundaries.

Bound-
aries.

787, to an oak tree 4 feet in diameter, having an 8 inch wire nail in the north side; thence, continuing along said boundary of said district, south 14° west, about 9250 feet to a point one quarter of a mile west of the center of section six (6) in township eleven (11) north, range two (2) east, Mount Diablo base and meridian; thence south three fourths ($\frac{3}{4}$) of a mile to the southeast corner of the northwest quarter of the northwest quarter of section seven (7) in said last mentioned township and range; thence west to range line between ranges one and two east, and the southwest corner of said northwest quarter of the northwest quarter of said section seven (7); thence south, along the range line to the southeast corner of section twelve (12) in township eleven (11) north, range one (1) east, Mount Diablo base and meridian; thence west, one and one half ($1\frac{1}{2}$) miles to the quarter section corner between sections eleven (11) and fourteen (14) in said last mentioned township and range; thence north, through the center of said section eleven (11) to the quarter section corner between said section eleven (11) and section two (2) in said last mentioned township and range; thence west one (1) mile to the quarter section corner between sections three (3) and ten (10), said last mentioned township and range; thence north one (1) mile through the center of said section three (3) to the township line between townships eleven (11) and twelve (12) north, and to the quarter section corner between section three (3) in said township eleven (11) and said section thirty-four (34) in township twelve (12) north, range one (1) east; thence west one mile to the quarter section corner between section four (4) in township eleven (11) north and section thirty-three (33) in township twelve (12) north, range one (1) east; thence north $00^{\circ} 50'$ east to a point nine hundred eighty-four and three tenths (984.3) feet south of the center of said section thirty-three (33) in township twelve (12) north, range one (1) east; thence north $81^{\circ} 59'$ west twenty-six hundred and eighty and four tenths (2680.4) feet to the line between sections thirty-two (32) and thirty-three (33), in said last mentioned township and range; thence south, along said line, to the southeast corner of said section thirty-two (32); thence west one (1) mile to the southwest corner of said section thirty-two (32); thence north, along the section line between sections thirty-one (31) and thirty-two (32) in said township and range to a point seven hundred and forty-six and two tenths (746.2) feet north of the quarter section corner between said sections thirty-one (31) and thirty-two (32); thence north $31^{\circ} 14' 30''$ west, eleven thousand five hundred and twenty-seven and one tenth (11,527.1) feet to a point six hundred (600) feet west of the quarter section corner between sections nineteen (19) and twenty-four (24), and townships one east and one west; thence parallel with the meridian line n. $00^{\circ} 04'$ east to the north boundary line of section one (1) in said township twelve north, range one west, and the line between the counties of Yolo and Colusa;

thence, northeasterly in a straight line to the northeast corner ^{Bound-} of the southeast quarter of section thirty-six (36) in township ^{aries.} thirteen (13) north, range one (1) west, Mount Diablo base and meridian, in the county of Colusa; thence north to the northeast corner of said section thirty-six (36); thence continuing north to an intersection with a line running parallel with and five hundred (500) feet westerly from the westerly base of "Howell Point" levee, which point of intersection is one and ninety-six hundredths (1.96) chains south of the northeast corner of section twenty-five (25) in said township thirteen (13) north, range one (1) west, M. D. M.; thence north $31^{\circ} 45'$ west, parallel with and five hundred feet westerly of the base of said "Howell Point Levee" sixty-six and $96/100$ (66.96) chains; thence north $48^{\circ} 15'$ west, to an intersection with the south line of section eleven (11) said last mentioned township and range, at a point one and $64/100$ (1.64) chains east of the southwest corner of said section eleven (11); thence west one and sixty-four hundredths (1.64) chains to the southwest corner of section eleven (11); thence (variation $18^{\circ} 30'$ east) north $00^{\circ} 7'$ east, three and $93/100$ (3.93) chains to the westerly boundary of a certain tract of land over which Henry Gregory granted to reclamation district No. 108 a right of way for levee and canal purposes, by deed recorded in the office of the county recorder of the county of Colusa, on the 31st day of March, 1903, in book 55 of deeds at page 514; thence (variation $18^{\circ} 30'$ east) north $42^{\circ} 27'$ west, along the western boundary of said last mentioned tract, one hundred and four and $24/100$ (104.24) chains to a stake on the line between sections three (3) and ten (10) said last mentioned township and range, at a point fourteen and $29/100$ (14.29) chains east of the northwest corner of said section ten (10); thence west, along the line between said sections three (3) and ten (10) to the said northwest corner of said section ten (10); thence north, on the line between sections three (3) and four (4) in said last mentioned township and range, fifteen and $60/100$ (15.60) chains to the westerly boundary of a certain tract of land over which Andrew Hopkins granted to reclamation district No. 108 a right of way by deed recorded in the office of the county recorder of Colusa county, on the 31st day of August, 1906, in book "62" of deeds, at page 102; thence north $42^{\circ} 27'$ west, forty-three and $29/100$ (43.29) chains, to an intersection with the north boundary line of land now owned by Andrew Hopkins in section four (4); thence, continuing on same course, forty-three and $11/100$ (43.11) chains to township line between townships thirteen and fourteen north, range one west, at a point seven and $27/100$ (7.27) chains west of the quarter section corner between said section four (4) and section thirty-three (33) in township fourteen (14) north, range one (1) west; thence west to the quarter section corner between sections five (5), township thirteen (13) north, range one (1) west, and section thirty-two (32) in township fourteen (14) north, range

Bound-
aries.

one (1) west, Mount Diablo base and meridian; thence north to the center of section twenty-nine (29) township fourteen (14) north, range one (1) west; thence east to the center of section twenty-seven (27) said township and range; thence north to the center of the south half of section twenty-two (22), said township and range; thence east to the northeast corner of the southeast quarter of the southeast quarter of said section twenty-two (22); thence north to the quarter section corner between sections twenty-two (22) and twenty-three (23), thence east to the quarter section corner between sections twenty-three (23) and twenty-four (24), said township and range; thence north to the northwest corner of the southwest quarter of the northwest quarter of said section twenty-four (24); thence east to the center of the northwest quarter of said section twenty-four (24); thence north to the south line of section thirteen (13) same township and range; thence west to the southwest corner of said section 13; thence north to the quarter section corner between sections thirteen (13) and fourteen (14), same township and range; thence east, through the center of said section thirteen (13) to the quarter section corner between sections thirteen and eighteen on the meridian line between ranges one (1) west and one (1) east; thence south along the meridian line, and east boundary of said section thirteen (13) and twenty-four (24) to the southwest corner of the northwest quarter of the northwest quarter of section nineteen (19) in township fourteen (14) north, range one (1) east, M. D. M.; thence east to the mid-section line running north and south through the center of said section nineteen (19); thence south to the southeast corner of the northeast quarter of the northwest quarter of section thirty (30), said township and range; thence west to the center of the northwest quarter of said section thirty (30); thence south to the mid-section line running east and west through said section thirty (30); thence east to the center of said section thirty (30); thence south to the southwest corner of the northwest quarter of the northeast quarter of section thirty-one (31); thence east to the center of the northeast quarter of said section thirty-one (31); thence south to the mid-section line running east and west through said section thirty-one (31); thence east to the east line of said section thirty-one (31); thence north to the southeast corner of the northeast quarter of the southeast quarter of said section thirty (30); thence west to the center of the southeast quarter of said section thirty (30); thence north to the mid-section line running east and west through the center of said section thirty (30); thence east to the east line of said section thirty; thence north to the southeast corner of the northeast quarter of the northeast quarter of said section thirty (30); thence east to the mid-section line running north and south through the center of section twenty-nine (29), same township and range; thence north to the north line of said section twenty-nine (29); thence east to the northeast corner of the north-

west quarter of the northeast quarter of said section twenty-nine (29); thence south to the mid-section line running east and west through the center of said section twenty-nine (29); thence east to the center of section twenty-eight (28) in said township fourteen (14) north, range one (1) east; thence south to the southeast corner of the northeast quarter of the southwest quarter of section thirty-three (33) said township and range; thence west to the center of the southwest quarter of said section thirty-three (33); thence north to the mid-section line running east and west through the center of said section thirty-three (33); thence west to the west line of said section thirty-three (33); thence south to the southwest corner of section thirty-three (33); thence east to the southwest corner of the southeast quarter of the southwest quarter of said section thirty-three (33); thence south to the center of the northwest quarter of section four (4) in township thirteen (13) north, range one (1) east, M. D. M.; thence west to the west line of said section four (4); thence south to the quarter section corner between sections four (4) and five (5) in said last mentioned township and range; thence east to the southeast corner of the southwest quarter of the northwest quarter of said section four (4); thence north to the center of the northwest quarter of said section four (4); thence east to the east line of said section four (4); thence north to the northeast corner of said section four (4) and the township line; thence east along said township line between townships thirteen (13) and fourteen (14) north, range one (1) east, to the quarter section corner between sections thirty-five (35) in township fourteen (14) north, range one (1) east, and section two (2) in township thirteen (13) north, range one (1) east, M. D. M.; thence south to the center of said section two (2); thence east to the east line of said section two (2); thence south to the quarter section corner between sections eleven (11) and twelve (12) in said township thirteen (13) north, range one (1) east; thence west to the center of the east half of said section eleven (11); thence south to the south line of said section eleven (11); thence west to the quarter section corner between sections eleven (11) and fourteen (14) in said township and range; thence south to the center of said section fourteen (14); thence west to the west line of section fourteen (14); thence south to the southwest corner of said section fourteen (14); thence west to the southwest corner of the southeast quarter of the southeast quarter of section fifteen (15); same township and range; thence south to the south line of section twenty-seven (27), same township and range; thence west to the quarter section corner between sections twenty-seven (27) and thirty-four (34) same township and range; thence south, through the center of said section thirty-four (34) to the south line of said section thirty-four (34) and the township line; thence east, along the township line to the right or west bank of the Sacramento river; thence southeasterly, along and with the said right or west bank of the

Bound-
aries.

said Sacramento river to the intersection with the east boundary line of section twelve (12) in township twelve (12) north, range one (1) east; thence south, along the east line of said section twelve (12) to its intersection with the right bank of said Sacramento river; thence down the right or west bank of said Sacramento river, southerly to the point of beginning.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

CHAPTER 63.

An act to amend section one hundred and three and one half of the Code of Civil Procedure, said amendment relating to clerks of justices courts in cities or towns of the second and one half and third classes, and appointments, salaries and duties of same.

[Approved April 23, 1913. In effect August 10, 1913.]

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

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

Clerk in
justice's
court.

103½. Every city justice's court in any city or town of the second and one half class and the third class shall have a clerk, who shall be appointed by the justice of the peace of said court, subject to the approval of the board of supervisors of the county, and shall hold office during the pleasure of said justice. Said clerk shall give a bond in the sum of five thousand dollars, with at least two sureties to be approved by the mayor, conditioned for the faithful discharge of the duties of his office. He shall keep a record of the proceedings of said court and issue all process ordered by the justices of said court, and receive and pay into the city treasury all fines, forfeitures and fees paid into said court. He shall render each month to the city council an exact account under oath of all fines, forfeitures and fees paid and collected. He shall prepare bonds, justify bail, when the amount has been fixed by the court or justice, and may administer and certify oaths and shall remain in the court rooms of said court during court hours and during such reasonable times thereafter as may be necessary for the proper performance of his duty. He shall have custody of all records and papers of said justice court. Every clerk of the justice's court in any city or town of the second and one half class shall receive an annual salary of one thousand six hundred dollars, and every clerk of the justice's court in any city or town of the third class shall receive an annual salary of one thousand two hundred dollars; said salaries shall respectively be payable in equal monthly installments out of the treasury of said cities and said salaries shall be the full compensation for all services rendered by the clerks of said courts.

Duties.

Salary.

CHAPTER 64.

An act to amend section 412 of the Code of Civil Procedure relating to the publication of summons when defendant is absent from state, concealed, or is a foreign corporation having no agent, etc.

[Approved April 23, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 412 of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

412. Where the person on whom service is to be made resides out of the state; or has departed from the state; or cannot, after due diligence, be found within the state; or conceals himself to avoid the service of summons; or is a foreign corporation having no managing or business agent, cashier or secretary within the state; or is a domestic corporation the officers and agents of which, upon whom, under the law, service may be made binding upon the corporation, cannot after due diligence, be found within the state, and the fact appears by affidavit to the satisfaction of the court, or a judge thereof; and it also appears by such affidavit, or by the verified complaint on file, that a cause of action exists against the defendant in respect to whom the service is to be made, or that he is a necessary or proper party to the action; or when it appears by such affidavit, or by the complaint on file herein, that it is an action which relates to or the subject of which is real or personal property in this state, in which such person defendant or foreign corporation defendant has or claims a lien or interest, actual or contingent, therein, or in which the relief demanded consists wholly or in part in excluding such person or foreign corporation from any interest therein, such court or judge may make an order that the service be made by the publication of the summons; *provided*, that where service is sought to be made upon a person who cannot, after due diligence, be found within the state it must first appear to the court by the affidavit aforesaid that there has not been filed, on behalf of such person, in the county where such action is pending, the certificate of residence provided for by section one thousand one hundred and sixty-three of the Civil Code in the county in which the action is brought; or that said certificate was so filed and that the defendant cannot be found at the place named in said certificate, which latter fact must be made to appear by the certificate of the sheriff of the county wherein said defendant claims residence in and by said certificate of residence, and which certificate of said sheriff must show that service of said summons was attempted upon said defendant at the place named in said certificate of residence but that said defendant was not to be found thereat.

Service of
summons
by pub-
lication.

Certificate
of resi-
dence.

CHAPTER 65.

An act to authorize the exchange of certain real estate belonging to the State of California, situated in the city and county of San Francisco, for other lands belonging to the city and county of San Francisco, and to authorize the governor to execute and to receive the necessary deeds of conveyance thereof.

[Approved April 23, 1913. In effect August 10, 1913.]

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

Authority
to ex-
change
state land
in San
Francisco.

SECTION 1. The consent of the State of California is hereby given to exchange with the city and county of San Francisco, that certain lot and parcel of land situated in the city and county of San Francisco and described as follows: Commencing at a point formed by the intersection of the easterly line of Polk street with the northerly line of Fulton street; and running thence northerly along said easterly line of Polk street 120 feet to the southerly line of Ash street; thence at a right angle easterly along said southerly line of Ash street 100 feet; thence at a right angle southerly 120 feet to the said northerly line of Fulton street; thence at a right angle westerly along said northerly line of Fulton street 100 feet to the said easterly line of Polk street and point of commencement. Being a portion of Western addition block No. 4. The land to be received in exchange for the land herein described, shall be located in the vicinity of the above described lot or parcel of land and shall be of equal value thereto as may be determined by the governor, who is hereby authorized to execute under the seal of the State of California the necessary deed of conveyance therefor, and to receive from the city and county of San Francisco a like deed of conveyance of the land to be exchanged.

CHAPTER 66.

An act to amend section 1649 of the Political Code of the State of California, relating to the organization of boards of school trustees and the election of district clerk.

[Approved April 23, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1649 of the Political Code of the State of California, relating to the organization of boards of school trustees and the election of district clerk is hereby amended to read as follows:

1649. Boards of school trustees must meet annually on the first Saturday in May and elect one of their members clerk of the district. If a clerk is not so elected on this date, the

Clerk of
school
district.

superintendent of schools of the county shall appoint one of the members of the board of school trustees district clerk. If a vacancy should occur in the position of district clerk, the superintendent of schools shall appoint one of the members of the board of school trustees to the position.

CHAPTER 67.

An act to amend section 1577 of the Political Code of the State of California, relating to the formation of new school districts and the change of boundaries of school districts.

[Approved April 23, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1577 of the Political Code of the State of California is hereby amended to read as follows:

1577. *First*—No new school district shall be formed at any other time than between the first day of October and the tenth day of February, nor at that time unless the parents or guardians of at least fifteen children between the ages of five and seventeen years as shown by the petition, residents of such proposed new district, and residing at a greater distance than two miles by a traveled road from the public school house in the district in which such parents or guardians reside, present a petition to the superintendent of schools, setting forth the boundaries of the new district asked for; *provided*, that the provision requiring the petitioners shall reside a distance of more than two miles by a traveled road from said public schoolhouse may be dispensed with when the petition shall be signed by parents or guardians of fifty or more children between the ages of five and seventeen years, residents of a district or districts containing more than two hundred children in average daily attendance in the elementary schools of said district or districts as shown by the report of teacher or principal of said school or schools on file in the office of the county superintendent of schools for the school year immediately preceding.

Second—The boundaries of a school district, except as provided in section one thousand five hundred fifty-one of the Political Code, shall be changed only between the first day of October and the tenth day of February in any year, and then only when at least ten heads of families residing in the districts affected by the proposed change of boundaries shall present to the superintendent of schools a petition setting forth the changes of boundaries desired, and the reasons for the same; *provided*, that two or more elementary school districts lying contiguous may at any time be united to constitute but one district, whenever a petition signed by a majority of the heads of families residing in each of said districts shall be presented to the superintendent of schools. Said petition

shall be acted upon in the same manner as is done in case of the formation of new school districts.

Formation
of joint
districts.

Third—Joint districts (that is, districts lying partly in one county and partly in another) may be formed at any time between the first day of October and the tenth day of February in any year, whenever a petition signed by the parents or guardians of at least fifteen children between the ages of five and seventeen years as shown by the petition residents of such proposed joint district and residing at a greater distance than two miles by a traveled road from any public schoolhouse, shall be presented to the superintendent of schools of each county affected by the proposed formation of the joint district; *and provided, further*, that the provision requiring that the petitioners shall reside a distance of more than two miles by a traveled road from a public schoolhouse may be dispensed with when the petition shall be signed by the parents or guardians of fifty or more children between the ages of five and seventeen years as shown by the petition, residents of school district or districts containing an average daily attendance of two hundred or more in the elementary schools of said district or districts as shown by the reports on file in the office of the superintendent of schools for the school year immediately preceding. All the provisions relative to the formation of joint districts shall be by concurrent action of the superintendent and the board of supervisors of each county affected; *still further provided*, that by concurrent action of the boards of supervisors and the county school superintendents, contiguous school districts or parts of such school districts lying in different counties may, on proper petitions as above required, be united to form a joint school district, and the school property within the territory thus united shall become the property of the newly formed joint school district.

Children
of new
districts.

Fourth—The children residing in any newly formed district, in any district whose boundaries have been changed, or in any joint district, shall be permitted to attend the school in the district or districts from which the newly formed district was constituted until the first day of July next succeeding the formation or change.

Transfer
of funds.

Fifth—Whenever a district shall be united with a municipality or with another district, all funds belonging to said district shall be transferred, by requisition of the superintendent of the county upon the county auditor, to the municipality or district with which said district is united.

CHAPTER 68.

An act to amend section 1576a, of the Political Code of the State of California, relating to the employment of clerk in certain school districts.

[Approved April 23, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1576a of the Political Code of the State of California is hereby amended to read as follows:

1576a. In any school district organized under the preceding section, and which is also a high school district, and which districts are governed by a board of school trustees, and which districts have an average daily attendance in the elementary school district of at least eight hundred as shown by the last report of the principal of schools in said elementary school district on file in the office of the county superintendent of schools, the trustees of the said school district may appoint a clerk, who shall not be one of their own number, to act for the elementary district trustees and the high school district trustees, to hold office at the pleasure of the board of trustees. Said board may fix the salary of the clerk at a sum not exceeding twenty-five dollars per month for the two districts, which sum shall be paid in the same manner and from the same funds as other incidental expenses of the districts are paid.

Clerk for district trustees.

Salary.

CHAPTER 69.

An act to provide for the licensing, inspecting and regulating of maternity hospitals or lying-in asylums, and institutions, boarding houses and homes for the reception and care of children, by the state board of charities and corrections, and providing a penalty for the violation of the provisions of this act.

[Approved April 23, 1913. In effect August 10, 1913.]

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

SECTION 1. No person, association, or corporation shall hereafter maintain or conduct in this state any maternity hospital or lying-in asylum where females may be received, cared for or treated during pregnancy, or during or after delivery; or any institution, boarding house, home or other place conducted as a place for the reception and care of children, without first obtaining a license or permit therefor, in writing, from the state board of charities and corrections, such permit or license once issued to continue until revoked for cause after a hearing.

License for maternity hospitals.

SEC. 2. The state board of charities and corrections is

Rules for
govern-
ment.

hereby authorized to issue licenses or permits to persons or associations to conduct maternity hospitals, lying-in asylums, or homes for children, as provided in section one of this act, and to prescribe the conditions upon which such licenses or permits shall be granted, and such rules and regulations as it may deem best for the government and regulation of maternity hospitals, lying-in asylums and institutions, boarding houses, or homes for the reception and care of children, and said board is further authorized, by one or more of its members, secretary, or duly authorized representative, to inspect and report upon the conditions prevailing in all such institutions.

Penalty.

SEC. 3. Any person who maintains or conducts, or assists in maintaining or conducting as manager or officer, any maternity hospital, lying-in asylum, or any institution, boarding house, home or other place conducted as a place for the reception and care of children, or who keeps at any such place any child under the age of twelve years, not his relative, apprentice or ward, without first having obtained a license or permit therefor in writing, as provided in section one of this act, shall be punished upon conviction by imprisonment in the county jail for not more than one year, or by a fine not to exceed five hundred dollars, or both a fine and imprisonment may be imposed at the discretion of the court.

CHAPTER 70.

An act amending the Penal Code by adding a new section thereto, to be numbered 532a.

[Approved April 23, 1913. In effect August 10, 1913.]

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

SECTION 1. The Penal Code is hereby amended by adding a new section thereto to be numbered 532a, to read as follows:

Giving
lot with
ticket
prohibited.

532a. Any person, firm, corporation or copartnership who knowingly and designedly offers or gives with winning numbers at any drawing of numbers or with tickets of admission to places of public assemblage, any lot or parcel of real property and charges or collects fees in connection with the transfer thereof, is guilty of a misdemeanor.

CHAPTER 71.

An act to amend section 1207 of the Civil Code of the State of California, relating to defectively acknowledged instruments of record in the office of the county recorder prior to the first day of January nineteen hundred and thirteen.

[Approved April 23, 1913. In effect August 10, 1913.]

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

SECTION 1. Section twelve hundred and seven of the Civil Code of the State of California is hereby amended to read as follows:

1207. Any instrument affecting the title to real property, which was, previous to the first day of January, one thousand nine hundred and thirteen, copied into the proper book of record, kept in the office of any county recorder, imparts, after that date, notice of its contents to subsequent purchasers and encumbrancers, notwithstanding any defect, omission, or informality in the execution of the instrument, or in the certificate of acknowledgment thereof, or the absence of any such certificate; but nothing herein affects the rights of purchasers or encumbrancers previous to that date. Duly certified copies of the record of any such instrument may be read in evidence with like effect as copies of an instrument duly acknowledged and recorded: *provided*, when such copying in the proper book of record occurred within fifteen years prior to the trial of the action, it is shown first that the original instrument was genuine.

Defective
instruments as
notice.

CHAPTER 72.

An act to provide for the employment of an expert in agriculture and matters relating thereto by the governing boards of irrigation, reclamation and drainage districts.

[Approved April 23, 1913. In effect August 10, 1913.]

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

SECTION 1. The board of directors, board of trustees or other governing body of any irrigation, reclamation or drainage district organized and existing under the laws of the State of California is hereby authorized to employ an expert in agriculture and matters relating thereto, and such assistants as may be deemed necessary to supervise the construction of works for the irrigation or protection of lands within the district to advise with the owners of lands within the district, or any other persons engaged in farming such lands, as to methods of increasing the productiveness of such lands as to the kinds of crops to be raised or as to any matters of husbandry, and to conduct such experiments and perform such other duties for the general welfare of the people of their district as the board may prescribe.

Expert in
agriculture for
irrigation
districts.

CHAPTER 73.

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

[Approved April 23, 1913. In effect August 10, 1913.]

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

Investment of surplus county funds.

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

Sale of bonds.

SEC. 2. The functions and duties of this act authorized shall be performed by the legislative or governing body of the county, city and county, or incorporated city or town, or under its authority.

CHAPTER 74.

An act to repeal section 1242 of the Political Code, relating to the disposal of ballot when a challenge to a person offering to vote is sustained.

[Approved April 23, 1913. In effect August 10, 1913.]

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

Repealed.

SECTION 1. Section 1242 of the Political Code is hereby repealed.

CHAPTER 75.

An act to amend section 892 of the Code of Civil Procedure, relating to the entry of judgment.

[Approved April 23, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 892 of the Code of Civil Procedure is hereby amended to read as follows:

892. When the trial is by the court, judgment must be entered within thirty days after the submission, and no justice of the peace who is paid a salary, shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undecided, that has been submitted for decision for a period of thirty days.

Entry of judgment in 30 days.

CHAPTER 76.

An act to amend section seven hundred ninety-one of the Political Code, relating to notaries public.

[Approved April 23, 1913. In effect August 10, 1913.]

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

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

791. The governor may appoint and commission such number of notaries public for the several counties and cities and counties of this state as he shall deem necessary for the public convenience, except that in counties of the second class the number shall not exceed one hundred and ten.

Notaries public.

CHAPTER 77.

An act to amend section 6 of an act entitled "An act conveying certain tide lands and lands lying under inland navigable waters situated in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof, approved May 1, 1911.

[Approved April 23, 1913. In effect August 10, 1913.]

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

SECTION 1. Section six of an act of the legislature of the State of California, entitled "An act conveying certain tide lands and lands lying under inland navigable waters situate in

the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, is hereby amended to read as follows:

San Diego
to issue
harbor
bonds.

Sec. 6. The foregoing conveyance is made upon the condition that the city of San Diego shall, within twelve months from the approval of this act, exclusive of such time as said city may be restrained from so doing by injunction issued out of any court of this state or of the United States, and exclusive of such further delay as may be caused by unavoidable misfortune or great public or municipal calamity, issue its bonds for harbor improvement purposes in an amount of not less than one million dollars, and shall, within eighteen months after the approval of this act, exclusive of the time in this section hereinbefore mentioned, commence the work of such harbor improvement, and the said work and improvement shall be prosecuted with such diligence that not less than one million dollars shall be expended thereon within four years from the approval of this act exclusive of the time in this section hereinbefore mentioned. The said harbor improvement work shall be so done and performed that accommodation will be furnished and maintained for ocean going vessels of the largest class, and a depth of water shall be obtained and maintained at the piers of not less than thirty-five feet. If said bonds be not issued or said work be not prosecuted and completed as and in the manner herein provided, then the lands by this act conveyed to the city of San Diego shall revert to the State of California.

Depth of
water at
piers.

CHAPTER 78.

An act to amend section 20 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911.

[Approved April 25, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 20 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and pro-

viding for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, is hereby amended to read as follows:

Section 20. Subdivision 1. The expenses incurred for any work authorized by this act (which expense shall not include the cost of any work done in such portion of any street as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, nor include work which shall have been declared in the resolution of intention to be assessed on a district benefited) shall be assessed upon the lots and lands fronting thereon, except as otherwise in this act specifically provided; each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per front foot sufficient to cover the total expense of the work.

Assessment for street improvement.

Subdivision 2. The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot of the quarter blocks and irregular blocks adjoining and cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, half way to the next main street crossing, or to the end of such street if it does not meet another, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks.

Street crossings.

Subdivision 3. Where a main street terminates in another main street, the expenses of the work done on one half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on that side, according to the frontage of such lots on said main streets, and the expense of the work on the other half of the width of said street when the work is sewerage of the terminating street only, shall be assessed upon the lots fronting on the termination and the lots adjacent to said lots on each side half way from the termination to the next terminating or intersecting street, according to the frontage of such lots on that side, and in all other work done on the termination, the property fronting on the termination shall be considered frontage and be assessed as set forth in subdivision one of this section.

When street terminates in main street.

Subdivision 4. Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots half way on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street, if it does not meet another.

Alley crossings.

Subdivision 5. The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, half way to the next street, place or court,

on either side, respectively, or to the end of such alley or subdivision street, if it does not meet another.

When
alley ter-
minates
in street.

Subdivision 6. Where a subdivision street, avenue, lane, alley, place or court terminates in another street, avenue, lane, alley, place or court, the expense of the work done on one half of the width of the subdivision street, avenue, lane, alley, place or court opposite the termination, shall be assessed upon the lot or lots fronting on such subdivision street, avenue, lane, alley, place or court so terminating, according to its frontage thereon, half way, on each side respectively, to the next street, avenue, lane, alley, place or court or to the end of such street, avenue, lane, alley, place or court, if it does not meet another, and the expense of the work on the other half of the width when the work is sewerage of the terminating subdivision street, avenue, lane, alley, place or court, shall be assessed upon the lots fronting on the termination and the lots adjacent to said lots on each side half way from the termination to the next terminating or intersecting street, according to the frontage of such lots on that side, and in all other work done on the termination the property fronting on the termination shall be considered frontage and be assessed as set forth in subdivision one of this section.

Work on
one side
of street.

Subdivision 7. Where any work mentioned in this act (manholes, sewers, cesspools, culverts, crosswalks, piling and capping excepted) is done on one side of the center line of any street, or sewerage or re-sewerage is ordered to be done under the sidewalk on only one side of any street for any length thereof, the assessment for the expenses thereof shall be made only upon the lots and lands fronting nearest upon that side of the street and for intervening intersections only upon the two quarter blocks adjoining and cornering upon that side.

Land
belonging
to U. S.
or to
state.

Subdivision 8. Whenever any lot, piece or parcel of land belonging to the United States, or to the State of California, or any lot, piece or parcel of land belonging to any county, city, public agent, mandatory of the government, school board, educational, penal or reform institution, or institution for the feeble-minded or the insane, and being in use in the performance of any public function, shall front upon the proposed work or improvement, or be included within the district declared by the city council in its resolution of intention to be the district to be assessed to pay the costs and expenses thereof, said city council may, in the resolution of intention, declare that said lots, pieces or parcels of land, or any of them, shall be omitted from the assessment thereafter to be made to cover the costs and expenses of said work or improvement. In the event that said lots, pieces or parcels of land, or any of them, shall by said resolution be omitted from the assessment, then the total expense of all work done shall be assessed on the remaining lots fronting on the work or improvement, or lying within the limits of the assessment district, without regard to such omitted lots, pieces or parcels of land. In the event that the council shall, in such resolution of intention,

declare that said lots, pieces or parcels of land so owned as aforesaid, or any of them, shall be included in the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, or any of them, then said city shall be liable for such sum or sums as may thereafter be assessed against any such lots, pieces or parcels of land so owned and used, and so included in the assessment by reason of the aforesaid declaration, or such lots, pieces or parcels of land so owned and used respecting which the resolution of intention makes no declaration, which shall be payable by the said city out of the general fund unless the legislative body shall in its resolution of intention designate another fund.

Subdivision 9. It shall be lawful for the owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the city council, to perform, at his or their own expense (after obtaining permission from the council so to do, but before said council has passed its resolution of intention to order grading inclusive of this), any grading upon said street, to its full width, or to the center line thereof, and to its grade as then established, and thereupon to procure, at his or their own expense, a certificate from the city engineer, setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the center line thereof, and thereafter to file said certificate with the superintendent of streets, which certificate the superintendent shall record in a book kept for that purpose in his office, properly indexed. Whenever thereafter the city council orders the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contracts must express the price by the cubic yard for cutting and filling in grading; and the said owner or owners and his or their successors in interest, shall be entitled to credit, on the assessment upon his or their lots and lands fronting on said streets for the grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been duly altered, only for so much of said certified work as would be required for grading to the altered grade; *provided, however*, that such owner or owners shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him or them, and proportionately assessed for the whole of said grading; and the superintendent of streets shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the duly altered grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deduct-

Owners
may
improve
street.

Owner
entitled
to credit.

ing the same as payments upon the amounts assessed against the lots and lands owned, respectively, by said certified owners and their successors in interest; *provided, however*, that he shall not so include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners or their successors in interest. Whenever any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do any work, (except grading) on such street, in front of any block, at his or their own expense, and the city council shall subsequently order any work to be done of the same class in front of the same block, said work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done; *provided*, that the work so done at the expense of such owner or owners, shall be upon the official grade, and in condition satisfactory to the street superintendent at the time said order is passed.

Diagram
of prop-
erty
affected.

Subdivision 10. Whenever the resolution of intention declares that the cost and expenses of the work and improvement are to be assessed upon a district, the city engineer shall make a diagram of the property affected or benefited by the proposed work or improvement, as described in resolution of intention, and to be assessed to pay the expenses thereof. Such diagram shall show each separate lot, piece or parcel of land, the area in square feet of each of such lots, pieces or parcels of land, and the relative location of the same to the work proposed to be done, all within the limits of the assessment district; and when said diagram shall have been approved by the city council, the clerk shall certify the fact and date thereof. Immediately thereafter the said diagram shall be delivered to the superintendent of streets of said city, who shall, after the contractor of any street work has fulfilled his contract to the satisfaction of said superintendent of streets or city council on appeal, proceed to estimate upon the lands, lots or portions of lots within said assessment district, as shown by said diagram, the benefits arising from such work, and to be received by each such lot, portion of such lot, piece or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the costs and expenses of such work, and in so doing shall assess said total sum upon the several pieces, parcels, lots or portions of lots, and subdivisions of land in said assessment district benefited thereby, to wit: Upon each respectively, in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in the next section, and the provisions of subdivisions one, two, three, four, five, six and seven of this section shall not be applicable to the work or improvement provided for in this subdivision.

Assess-
ment.

Defini-
tions.

Subdivision 11. The terms, lot, lots, lands, piece or parcel of land wherever mentioned in this act shall be deemed

to include and shall include property owned or controlled by any person, firm or corporation as a railroad, street or interurban railroad right of way, and whenever a railroad, street or interurban railroad right of way shall front on or abut or parallel or be included with or divide longitudinally any street improved under the provisions of this act or shall be included within any district to be assessed for the cost of any improvement provided in this act, such railroad right of way (whether the same is owned in fee or as an easement) shall be included in the warrant, assessment and diagram and shall be assessed in the manner and with the same effect as other lots, lands or pieces or parcels of land are assessed as provided in this act, and such railroad, street or interurban railroad right of way shall be subject to sale for nonpayment of assessments as in this act provided.

CHAPTER 79.

An act to regulate the production of certified milk, cream, ice cream, butter and cheese; and repealing an act entitled "An act to regulate the production of certified milk," approved March 18, 1909, and all acts and parts of acts inconsistent with this act.

[Approved April 25, 1913. In effect August 10, 1913.]

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

SECTION 1. No person, firm or corporation shall sell or exchange, or offer or expose for sale or exchange, as and for certified milk, any milk which does not conform to the rules and regulations and to the methods and standards for the production and distribution of "certified milk" adopted by the American association of medical milk commissions on May 1st, 1912, and which does not bear the certification of a milk commission appointed by a county medical society organized under and chartered by the medical society of the State of California, and which has not been pronounced by such authority to be free from antiseptics, added preservatives, and pathogenic bacteria, or bacteria in excessive numbers. All milk sold as certified milk shall be conspicuously marked with the name of the commission certifying it. Such milk commission shall make all requirements for the production and handling of certified milk uniform and fair, and shall not refuse to certify milk for any applicant for certification who shall comply with the provisions of this act.

Certified
milk reg-
ulations.

SEC. 2. No person, firm or corporation shall sell or exchange or offer or expose for sale or exchange, any cream, skimmed milk, buttermilk, ice cream, butter or cheese as and for certified cream, certified skimmed milk, certified buttermilk, certified ice cream, certified butter or certified cheese, as the case may be, or use the word "certified" in con-

Certified
cream,
butter,
milk, etc.

nection with the sale, designation, advertising, labeling or billing of any cream, skimmed milk, buttermilk, ice cream, butter or cheese unless the same and all products of milk contained therein or used in the manufacture thereof are obtained exclusively from milk which conforms to the requirements of this act for certified milk and which bears the certification of a milk commission in accordance with the provisions of section 1 of this act, and unless in addition thereto the methods and conditions under which such cream, skimmed milk, buttermilk, ice cream, butter and cheese, as the case may be, have been prepared or manufactured, as regards cleanliness and sanitation, shall conform to the requirements of the milk commission whose certification is sought. All cream, skimmed milk, buttermilk, ice cream, butter and cheese sold, designated, advertised or offered for sale, as certified cream, certified skimmed milk, certified buttermilk, certified ice cream, certified butter or certified cheese shall be conspicuously marked with the name of the commission certifying it and certifying the milk from which such cream, ice cream, butter and cheese is obtained.

Penalty. SEC. 3. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five (\$25) dollars nor more than two hundred (\$200) dollars, or by imprisonment in the county jail for not less than ten (10) nor more than sixty (60) days.

Repealed. SEC. 4. An act entitled "An act to regulate the production of certified milk," approved March 18, 1909, and all acts and parts of acts inconsistent with this act, are hereby repealed.

CHAPTER 80.

An act providing for the regulation of water companies, defining their powers and duties, defining the powers and duties of the railroad commission with reference thereto, and defining the conditions under which such water companies become subject to the provisions of the public utilities act and the railroad commission of the State of California.

[Approved April 25, 1913. In effect August 10, 1913.]

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

**Water
company,
public
utility.**

SECTION 1. Whenever any person, firm or private corporation, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any water system within this state, sells, leases, rents or delivers water to any person, firm, private corporation, municipality or any other political subdivision of the state whatsoever, except as limited by section 2 hereof, whether under contract or otherwise, such person, firm or private cor-

poration is a public utility, and subject to the provisions of the public utilities act of this state and the jurisdiction, control and regulation of the railroad commission of the State of California.

SEC. 2. Whenever any private corporation or association is organized for the purpose solely of delivering water to its stockholders or members at cost, and delivers water to no one except its stockholders or members at cost, such private corporation or association is not a public utility, and is not subject to the jurisdiction, control or regulation of the railroad commission of the State of California.

Private company not public utility.

SEC. 3. Whenever any private corporation or association organized for the purpose of delivering water solely to its stockholders or members at cost does deliver water to others than its stockholders or members for compensation, such private corporation or association becomes a public utility and subject to the terms of the public utilities act and the jurisdiction, control and regulation of the railroad commission of the State of California.

When private company becomes public utility.

SEC. 4. Whenever any private corporation or association is organized both for the purpose of delivering water to its stockholders or members at cost and to persons, firms, corporations, municipalities or other political subdivisions of the state in addition thereto, such private corporation or association is a public utility and subject to the provisions of the public utilities act and to the jurisdiction, control and regulation of the railroad commission of the State of California.

Private company, public utility.

SEC. 5. Whenever the railroad commission, after a hearing had upon its own motion or upon complaint, shall find that any water company which is a public utility operating within this state has reached the limit of its capacity to supply water and that no further consumers of water can be supplied from the system of such utility without injuriously withdrawing the supply wholly or in part from those who have theretofore been supplied by such corporation, the railroad commission may order and require that no such corporation shall furnish water to any new or additional consumers until such order is vacated or modified by the said commission. The commission shall likewise have the power after hearing upon its own motion or upon complaint, to require any such water company to allow additional consumers to be served when it shall appear that to supply such additional consumers will not injuriously withdraw the supply wholly or in part from those who theretofore had been supplied by such public utility.

Limitation on service of water company.

SEC. 6. The railroad commission shall have the power to require any and all water corporations to file with the commission a statement in writing defining and describing the lands and territory to be supplied by such corporation with water, and when such territory is described and defined in the articles of incorporation of any such corporation or in the places of designated use in the notices of appropriation under which the rights of such corporation to appropriated water are initi-

Report to railroad commission.

ated in accordance with section 1415 of the Civil Code, and it shall appear either from said statement filed by such water corporation or from said articles of incorporation or said notices of appropriation that such water corporation has undertaken to supply more consumers or a greater number of acres than it can adequately supply, the commission may require such corporation to limit the number of consumers or acres of land which it has undertaken to supply or which is set out in its articles of incorporation or notices of appropriation to such a limited number of consumers or acres of land as the commission shall find, after hearing, such water corporation may adequately supply. This provision does not apply to territory or consumers which have once been served by said corporation, and as between consumers who have been voluntarily admitted to participate by the corporation in its supply of water or been required to be supplied by an order of the railroad commission, in times of shortage there shall be no priority or preference, and such corporation in times of shortage shall be required to apportion such supply ratably among its consumers.

Language construed.

SEC. 7. The language in section 1 of this act "whether under contract or otherwise" shall not be construed as authorizing a contract by a person or corporation defined herein as a public utility which shall in anywise deprive the state or the railroad commission or other competent authority of power to regulate the rates and service of any such public utility.

CHAPTER 81.

An act regulating the cleaning, laundering, sale, offering for sale, and furnishing for use to employees, of wiping rags; authorizing counties, cities and counties, cities and towns, to enact ordinances prohibiting the cleaning, laundering, sterilizing, and sale of wiping rags without a permit, and to issue and revoke permits to clean, launder, and sell wiping rags within their respective jurisdictions; authorizing peace and health officers to make inspections of wiping rags, and making violations of this act a misdemeanor.

[Approved April 25, 1913. In effect August 10, 1913.]

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

Wiping rags to be sterilized.

SECTION 1. Every person or corporation who supplies or furnishes to his or its employees for wiping rags, or who sells or offers for sale for wiping rags, any soiled wearing apparel, underclothing, bedding, or parts of soiled or used underclothing, wearing apparel, bedclothes, bedding or soiled rags and cloths, unless the same have been sterilized by a process of boiling for forty minutes in a solution containing five per cent of caustic soda, and unless before such boiling, the sleeves, legs

and bodies of garments are ripped and made into flat pieces, is guilty of a misdemeanor.

SEC. 2. Wiping rags within the meaning of this act are cloths and rags used for wiping and cleaning the surfaces of machinery, machines, tools, locomotives, engines, motor cars, automobiles, cars, carriages, windows, and furniture, and surfaces of articles, appliances and engines in factories, shops, steamships and steamboats, and generally used for cleaning purposes in industrial employments, and also used by mechanics and workmen for wiping from their hands and bodies soil incident to their employment. Wiping rags defined.

SEC. 3. Any person or corporation who shall wash, cleanse or launder soiled rags or soiled cloth material for wiping rags, in the same building or by the same machinery or appliances, in or by which clothing and articles for personal wear or for household use are laundered, shall be guilty of a misdemeanor. Not to be cleaned in laundry.

SEC. 4. Every peace officer, health officer or health inspector, upon proper demand and notice of his authority, shall be permitted, during business hours, to enter factories, shops, yards, ships, boats and premises where wiping rags are used, or are kept for sale, or offered for sale, and inspect such wiping rags; and it shall be unlawful for any person, firm, company or corporation to refuse to permit such inspection, or to impede or obstruct such officer during such inspection. Inspection.

SEC. 5. Each county, city and county, city and town, may regulate the business of laundering, and sterilizing, and the business of selling wiping rags, by enacting ordinances prohibiting the laundering, sterilizing and sale, and offering for sale, of wiping rags, or cloth material for wiping rags, within their respective jurisdictions, without a permit issued by the board of supervisors of the county, or board of health or health officer of the city and county, city and town, and for the issuance of certificates of inspection of wiping rags offered for sale. Such permit shall be granted as of course on a first application therefor, and may be revoked by the board or officer authorized to issue the same for a violation of this act or for a violation of such ordinance by the holder of such permit. The board, department or officer authorized to issue permits to launder, sterilize, or sell wiping rags shall keep a register of the names and places of business of persons to whom such permits are issued, and the date of issue and number of said permit, and a record of revocation of issued permits. Local regulation of wiping rag business.

SEC. 6. Every package or parcel of wiping rags must, before being sold or offered for sale, be plainly marked "sterilized wiping rags," with the number and date of permit given for the conducting of the laundry in which the rags contained in such package or parcel were laundered and sterilized, and the name of the board or officer issuing the permit; or with the name and location of the laundry in which such rags were laundered and sterilized. Packages to be marked.

SEC. 7. Any person, firm or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor. Penalty.

CHAPTER 82.

An act to amend section two hundred and eighty b of the Code of Civil Procedure, relating to licenses to practice law.

[Approved May 12, 1913. In effect August 10, 1913.]

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

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

License to
practice
law on
diploma.

280b. Any person producing a diploma of graduation from the college of law of the University of Southern California, or evidence of having satisfactorily completed the three years' course of law study prescribed by the department of law of Leland Stanford Junior University or the department of jurisprudence of the University of California, or the institute of law of the University of Santa Clara shall be entitled to a license to practice law in all the courts of this state, subject to the right of the chief justice of the supreme court of the state to order an examination, as in ordinary cases of applicants without such diploma or other evidence.

CHAPTER 83.

An act to amend section 1493 of the Code of Civil Procedure of California, relating to claims against estates of deceased persons.

[Approved April 25, 1913. In effect August 10, 1913.]

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

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

Presenta-
tion of
claims
against
estates.

1493. All claims arising upon contracts, whether the same be due, not due, or contingent, and all claims for funeral expenses and expenses of the last sickness must be presented within a time limited in the notice, and any claims not so presented, are barred forever; *provided, however*, that when it is made to appear by the affidavit of the claimant, to the satisfaction of the court, or a judge thereof, that the claimant had no notice as provided in this chapter, by reason of being out of the state, it may be presented at any time before a decree of distribution is entered.

CHAPTER 84.

An act to amend section 3571 of the Political Code of the State of California relating to the securing of certificates from the register of state land office by owners of certificates of purchase or patents from the state for the purpose of securing restitution of moneys for lands sold by the state but not owned by it, and said section as amended also providing for the waiver by the state of any statute of limitation as to the issuance of said certificate and also as to the issuance of warrants by county auditors and the state controller as provided in section 3572 of said Political Code.

[Approved April 25, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 3571 of the Political Code of the State of California is hereby amended so as to read as follows:

3571. If any land was not the property of the State of California at the date application was filed therefor, or if the land applied for was swamp and overflowed land but the application became or was void by reason of the fact that the land had not been segregated, the owner of the certificate of purchase or patent may receive in exchange therefor, from the register of state land office, a certificate showing the amount paid and the class of land upon which the payment was made, (if the land is lieu land or indemnity land the register's certificate shall not issue until the selection therefor is cancelled by authority of the department of the interior), by conveying by quitclaim deed to the State of California, all of his right, title and interest in and to said land. The authority of the said register to issue such certificate and likewise the authority of the auditor and controller to issue their warrants, as provided in section 3572 of this code, shall not be barred by any period of time which may have elapsed since the issuance of the certificate of purchase or patent, but in the issuance of the certificate herein provided for, the said register shall first determine that the person applying for said certificate is the owner of the certificate of purchase or patent, and has not assigned or conveyed his interest therein or in the land therein described or any part thereof, and that it is a proper case for the issuance of a certificate as herein provided. A copy of a patent duly certified by the county recorder of any county where the same may have been recorded shall have the same force and effect as the original.

Certificate
of lands
sold by
but not
owned by
state.

CHAPTER 85.

An act to amend sections 129 and 130 of the Code of Civil Procedure relating to rules of court.

[Approved April 25, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 129 of the Code of Civil Procedure is hereby amended to read as follows:

Rules of
court.

129. Every court of record may make rules not inconsistent with the laws of this state, for its own government and the government of its officers; but such rules shall neither impose any tax, charge or penalty upon any legal proceeding, or for filing any pleading allowed by law, nor give any allowance to any officer for services.

SEC. 2. Section 130 of the Code of Civil Procedure is hereby amended to read as follows:

When
rules
take
effect.

130. Rules adopted by the supreme court shall take effect sixty days, and rules adopted by superior courts, thirty days after their publication. When adopted they shall be spread upon the record of the court, printed and filed in the office of the clerk of the court.

CHAPTER 86.

An act to amend section 409 of the Political Code, relative to fees to be collected by the secretary of state.

[Approved April 25, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 409 of the Political Code is hereby amended so as to read as follows:

Fees of
secretary
of state.

409. The secretary of state, for services performed in his office, must charge and collect the following fees:

1. For a copy of any law, resolution, record, or other document on file in his office, twenty cents per folio.

2. For comparing a copy of any law, resolution, record, or other document or paper with the original, or the certified copy of the original, on file in his office, five cents per folio.

3. For affixing certificate and seal of state, unless otherwise provided for, two dollars.

4. For filing articles of incorporation, if the capital stock amounts to twenty-five thousand dollars or less, fifteen dollars; if the capital stock amounts to over twenty-five thousand dollars and not over seventy-five thousand dollars, twenty-five dollars; if the capital stock amounts to over seventy-five thousand dollars and not over two hundred thousand dollars, fifty dollars; if the capital stock amounts to over two hundred thousand dollars and not over five hundred thousand dollars, seventy-

five dollars; if the capital stock is over five hundred thousand dollars and not over one million dollars, one hundred dollars; if the capital stock is over one million dollars, fifty dollars additional for every five hundred thousand dollars or fraction thereof of capital stock over and above one million dollars; for filing articles of incorporation without capital stock, except co-operative associations, five dollars; for filing articles of incorporation of co-operative associations formed under the act of eighteen hundred and ninety-five, and acts supplementary thereto or amendatory thereof, fifteen dollars.

Fees of
secretary
of state.

5. For recording articles of incorporation, twenty cents per folio.

6. For issuing certificate of incorporation, three dollars.

7. For filing certificate of increase of capital stock, five dollars for every fifty thousand dollars or fraction thereof of such increase.

8. For filing certificate of decrease of capital stock, five dollars.

9. For filing notice of removal of principal place of business, five dollars.

10. For filing amended articles of incorporation, unless otherwise provided for, five dollars.

11. For filing certificate of creation of bonded indebtedness, or increase or decrease thereof, five dollars.

12. For issuing certificate of increase or decrease of capital stock, three dollars.

13. For filing certificate of continuance of existence, five dollars.

14. For issuing certificate of continuance of existence, three dollars.

15. For filing claim to trade-mark, and issuing certificate of filing, five dollars.

16. For issuing certificate of filing of any document, not otherwise provided for, three dollars.

17. For filing certificate of increase or decrease of number of directors, five dollars.

18. For issuing certificate of increase or decrease of number of directors, three dollars.

19. For receiving and recording each official bond, five dollars.

20. For filing notice of appointment of agent, five dollars.

21. For each commission, passport, or other document signed by the governor and attested by the secretary of state (pardons, military commissions, commissions issued to non-salaried state officers, and extradition papers excepted), five dollars.

22. For each patent for land issued by the governor, if for one hundred and sixty acres or less, one dollar; and for each additional one hundred and sixty acres, or fraction thereof, one dollar.

23. For issuing certificate of official character, two dollars.

Fees of
secretary
of state.

24. For recording miscellaneous documents or papers, twenty cents per folio.

25. For filing certified copy of order and decree of court, changing name, or certified copy of order and decree of court, dissolving a corporation, five dollars.

No member of the legislature or state officer shall be charged for any search relative to matters appertaining to the duties of his office; nor shall he be charged any fee for a certified copy of any law or resolution passed by the legislature relative to his official duties.

All fees collected by the secretary of state must, at least once each week, be paid into the state treasury.

CHAPTER 87.

An act to add a new section to the Code of Civil Procedure, to be numbered 570, providing for the disposition of unclaimed funds in the hands of a receiver.

[Approved April 25, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered 570, providing for the disposition of unclaimed funds in the hands of a receiver, and to read as follows:

Disposi-
tion of
unclaimed
funds in
hands of
receiver.

570. A receiver having any funds in his hands belonging to a person whose whereabouts are unknown to him, shall, before receiving his discharge as such receiver, publish a notice, in one or more newspapers published in the county, at least once a week for four consecutive weeks, setting forth the name of the owner of any unclaimed funds, the last known place of residence or postoffice address of such owner and the amount of such unclaimed funds. Any funds remaining in his hands unclaimed for thirty days after the date of the last publication of such notice, shall be reported to the court and, upon order of the court, all such funds must be paid into the state treasury accompanied with a copy of the order, which must set forth the facts required in the notice herein provided. All funds so paid into the state treasury must be received, invested, accounted for and paid out, in the same manner and by the same officers as is provided by law in the case of escheated estates, and in section twelve hundred and seventy-two of this code.

CHAPTER 88.

An act to amend the Civil Code of the State of California by adding a new section thereto to be numbered fourteen hundred ten a, relating to the water of all natural streams carrying water from the State of California into any other state, and defining relative rights to the waters of such streams.

[Approved April 25, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Civil Code of the State of California to be numbered fourteen hundred ten a and to read as follows:

1410a. The entire flow of water in any natural stream which carries water from the State of California into any other state is subject to use in the State of California, under the laws of the State of California, and the right may be, so far as not already acquired by use in the State of California, acquired and held under the laws of the State of California. The rights to the use of such water held under the laws of the State of California, shall be prior and superior to any rights to the waters of such streams held under the laws of any other state.

Use of
waters
flowing
out of
state.

CHAPTER 89.

An act to amend section one thousand seven hundred and forty of the Political Code of the State of California, relating to meetings of high school boards.

[Approved April 25, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one thousand seven hundred and forty of the Political Code of the State of California is hereby amended to read as follows:

1740. District, union and joint union high school boards shall meet on the first Saturday in May of each year at twelve o'clock m., and organize by electing a president from their own number, and a clerk. Every high school board shall hold regular monthly meetings at such times as may be provided in the rules and regulations adopted by them for their own government; *provided*, that in union or joint union high school districts the regular meetings as above provided may be quarterly. Special meetings may be held at the call of the president of the board. Upon the request, in writing, signed by a majority of any board, the president of said board shall call a meeting thereof. Of all special meetings of any board the members thereof shall have at least two days' notice, issued and

Meetings
of high
school
boards.

Where
held.

served by the clerk thereof. At special meetings no business shall be transacted other than that specified in the call therefor. All meetings of the high school board shall be held at the high school building; *provided*, that if no high school building exists in the high school district, or if the high school district consists of a single city, town, or school district, the high school board may meet at such place in the high school district as it may by resolution determine.

CHAPTER 90.

An act to amend section one thousand eight hundred and seventy-six of the Political Code of the State of California, relating to contracts by boards of school trustees and city boards of education.

[Approved April 25, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one thousand eight hundred and seventy-six of the Political Code of the State of California is hereby amended to read as follows:

School
trustee
not to be
interested
in contract.

1876. No school trustee or member of any board of education must be interested in any contract made by the board of which he is a member; and any contract made in violation of this provision is void; *provided*, that in school districts entitled to not more than two teachers on average daily attendance as shown by the teacher's report for the previous school year, a member of the board of trustees may receive a reasonable compensation from the district for necessary work and labor performed by him for the district in repairing the school-house, fences and other property belonging to the district or in furnishing wood or other necessary supplies, but in all such cases the requisition drawn in his favor in payment of services or supplies must be signed by the other two trustees before it shall be subject to approval by the superintendent of schools.

CHAPTER 91.

An act to amend section sixteen hundred twenty-two of the Political Code of the State of California, relating to expenditure of state and county school money.

[Approved April 26, 1913. In effect August 10, 1913.]

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

SECTION 1. Section sixteen hundred twenty-two of the Political Code of the State of California is hereby amended to read as follows:

1622. Boards of school trustees and city board of education may use fifty per cent of the county school money for any of the purposes authorized by this chapter; but all the state school money and not less than fifty per cent of the county school money shall be applied exclusively to the payment of teachers' salaries of the elementary schools; *provided*, that any city superintendent of public schools or supervising principal of public schools who holds a teacher's certificate in force for the full time for which the requisition is drawn may be paid out of the same money or fund used for the payment of the salaries of teachers of the elementary schools.

Expenditure of school funds.

CHAPTER 92.

An act to amend section two hundred twenty-four of the Civil Code, relating to the adoption of abandoned and deserted children and the taking of acknowledgments to the consent to such adoption.

[Approved April 26, 1913. In effect August 10, 1913.]

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

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

224. A legitimate child can not be adopted without the consent of its parents, if living; nor an illegitimate child without the consent of its mother, if living; except that consent is not necessary from a father or mother deprived of civil rights, or adjudged guilty of adultery or cruelty, and for either cause divorced, or adjudged to be habitually intemperate in the use of intoxicants, or who has been judicially deprived of the custody of the child on account of cruelty or neglect. Neither is consent of any parent necessary in case of any abandoned child. Any child deserted by its parents without provision for their identification, or relinquished by its parent or parents for the purpose of adoption expressed in writing signed and acknowledged by such parent or parents before an officer authorized to take acknowledgments, or before the secretary of any organization or society engaged in the work of placing dependent or deserted children into homes in this state, which organization or society has obtained a permit therefor, duly executed in writing, from the state board of charities and corrections, shall from the date of such act of desertion or of such relinquishment be deemed to be an abandoned child within the meaning of this section. Any child left in the care and custody of another by its parent or parents, without any provision for its support, for the period of one year, may after such notice to the parent or parents residing within the state and to such other relatives of said child residing within the county as the court shall require, be determined by order of the juvenile court of the county in which said child was so left to be an

Consent to adoption of children.

Abandoned child.

Child in
orphan
asylum.

abandoned child within the terms of this section. Any abandoned child within the meaning of this section, or any child whose parent or parents have been judicially deprived of its custody on account of cruelty or neglect, maintained by or in the custody of any orphan asylum within this state, any charitable organization or society receiving state aid or receiving commitments from the juvenile court, may be adopted with the consent of the managers of such orphan asylum, charitable organization or society. Any orphan child for whose support no provision has been made by any person for a period of one year, but who has been maintained during said year by or in the custody of any orphan asylum within this state, any charitable organization or society receiving state aid or receiving commitments from the juvenile court, may be adopted with the consent of the managers of such orphan asylum, charitable organization or society.

CHAPTER 93.

An act to amend section one thousand six hundred and seventy-four of the Political Code of the State of California, relating to union school districts.

[Approved April 26, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one thousand six hundred and seventy-four of the Political Code of the State of California is hereby amended to read as follows:

1674. Union school districts may be formed, and union schools maintained therein, as in this section provided.

First—When a majority of the heads of families who reside in two or more contiguous school districts and who have children attending school as shown by the teachers' registers in the school of the said districts in the same county, shall unite in a petition to the county superintendent of schools for the formation of a union school district, to comprise the districts so petitioning, he shall, within twenty days after receiving said petition, call an election for the determination of the question, and shall appoint three qualified electors in each of the districts petitioning, to conduct the election therein. Said election shall be held separately and simultaneously at the public schoolhouse in each of the districts petitioning, and shall be called by posting notices thereof in three of the most public places in each district, one of which places shall be the public schoolhouse in each district at least ten days before said election. Said election shall be conducted by the officers appointed for that purpose, in the manner provided by law for conducting school elections. The ballots at such election, in each district, shall contain the words, "For the union school district," and the voters shall write or print after said words on his bal-

Forma-
tion of
union
school
districts.

Ballot.

lot the word "Yes" or the word "No." It shall be the duty of said election officers in each district to canvass the vote at said election, and report the result to the county superintendent of schools within five days subsequent to the holding of said election.

Second—If a majority of the votes cast at such election, in each and every of such districts, shall be in favor of such union school district, the county superintendent shall (except in the case of the formation of a union district consisting of but two districts, and as hereinafter provided for in subdivision fourth of this section), within fifteen days after receiving the returns of the election held therein, direct the board of trustees in each of said districts to call a meeting of the qualified electors of their respective districts, in the manner provided in section sixteen hundred and seventeen of this code for calling district meetings. At said meeting the qualified electors shall in each district select one representative, whose powers and duties shall be as hereinafter specified. The representatives so chosen shall name the union school district, and shall have power to make temporary arrangements for the location of one or more union schools therein, and, if satisfactory apartments or buildings in a suitable location are offered or can be procured, for a consideration or at a rental which would make it advisable to accept the same, they shall have the power to secure an option of a lease on such apartment or building for a period not to exceed three years from the first day of July next ensuing. Within forty days after their selection they shall notify the county superintendent of schools that they desire to meet to locate one or more union schools in and for such union district. Thereafter the representatives so chosen shall meet in conjunction with the county superintendent of schools at a time and place to be named by the superintendent, for the purpose of determining the location of such union school or schools. At such meeting the superintendent shall be the chairman and shall be entitled to vote and participate in all its proceedings. Should said representatives fail to unanimously agree upon a location for such school or schools, they shall propose in writing to the county superintendent then present, or, if he is not present, they shall transmit to his office, within ten days, the names of the locations which they, or any of them, favor. Within twenty days after receiving such notice, the superintendent shall call an election as provided in subdivision one hereof, to determine the location of the union school or schools. At such election only such sites as have been named by the representatives and certified to the county superintendent shall be voted upon. Any form of ballot by which the voter signifies his choice of location or locations shall be allowed. The result of said election shall be determined and certified to the county superintendent, as provided in said subdivision one. The location or locations which receive the largest number of votes shall be chosen as the location or locations of the school or schools.

Majority
in favor.

Location.

Failure to
agree.

Ballot.

Joint
union
school
district.

Third—A union school district formed of school districts not all in the same county, is designated a joint union school district.

Ballot.

(1) When a majority of the heads of families residing in two or more contiguous school districts not all in the same county and who have children attending the schools in the districts petitioning as shown by the teachers' registers shall unite in a petition to the county superintendents of their respective counties for the formation of a joint union school district, to comprise the districts so petitioning, it shall be the duty of each of said superintendents, within twenty days after receiving said petition, to call an election in the district or districts in his county petitioning, for the purpose of determining the question, and appoint three qualified electors in each of such petitioning districts, to conduct the election therein. Said election shall be called and conducted in all respects as specified in subdivision one of this section, except that the form of ballot shall be: "For the joint union school district," and the result thereof shall be reported by the election officers in each district to the superintendent of the county in which such district is situated, within five days subsequent to the holding of said election.

Majority
in favor.

(2) If a majority of the votes cast at such election, in each and every of such districts, shall be in favor of such joint union school district, the county superintendent in each county shall (except in the case of the formation of a joint union district consisting of but two districts, and as hereinafter provided for in subdivision four of this section), within fifteen days after receiving the returns of the election, direct the board of trustees in the district, or districts, in his county, to call a meeting of the qualified electors, as provided in subdivision two of this section. At said meeting the qualified electors, in each district, shall select a representative, as provided in said subdivision. The representatives so chosen shall meet at a time and place to be agreed upon among themselves, and name the joint union school district. The location of the joint union school, or schools, shall be determined by the joint action of the representatives chosen and the county superintendents of the counties, in manner and form as provided for the location of a union school, or schools.

Location.

Time of
taking
effect.

Fourth—Proceedings for the formation of, or for admission to, a union or joint union school district may be begun at any time, but the schools in the district uniting to form, or that are admitted to, a union or joint union school district, shall remain under the control of their respective boards of trustees until the first day of July next succeeding the formation of the union or joint union district and the location of the union or joint union school, or schools, or of admission to a union or joint union district, on which first day of July the districts uniting to form the union or joint union school district, or the district admitted to such union, shall cease to exist, except for purposes specified in this section, and the terms of office of the school trustees in said districts shall expire, and the district

property of each district so uniting or admitted shall vest in such union or joint union district and pass to the control of the board of trustees of such district, to be held and disposed of by them, as provided in section sixteen hundred and seventeen of this code; *provided*, that in union or joint union school districts formed by the union of but two school districts, no selection of representatives, as provided for in subdivision two of this section, is necessary, and the board of trustees for the original school districts shall act as the representatives, and shall constitute the board of trustees for the new union or joint union school district, and each of such trustees shall continue in office for the term for which he was elected, except as hereinafter provided; *and provided, further*, that the proceeds of any sale by the board of trustees of the union or joint union school district, of school property that originally belonged to any of the original districts, must first be applied to the discharge of any bonded indebtedness of such original district.

Sale of property.

Fifth—In the formation of union or joint union school districts, the representatives selected according to the provisions of subdivision two of this section shall act as a board of trustees for such union or joint union district, until the election or appointment and qualification of the regular board of trustees, as hereinafter provided.

Trustees.

Sixth—In union or joint union school districts, formed by the union of more than two school districts, the board of trustees shall be composed of one member elected from each district composing the union or joint union district, at the time and in the manner provided for the election of school trustees, except as otherwise provided in this section. The county school superintendent (or superintendents by concurrent action in joint union school districts) shall, in union or joint union school districts composed of three or more school districts, divide the districts composing the union or joint union school districts in three classes, as nearly equal in number of school districts as possible, to be designated by him (or them) as class A, B, and C, respectively. At the first annual school election following the organization of the union or joint union school district and the location of the school or schools, the districts in class A, as so divided and designated, shall each elect a school trustee for one year; the districts in class B shall each elect a school trustee for two years; the districts in class C shall each elect a school trustee for three years; and all the trustees so elected shall constitute the board of trustees of the union or joint union school district. At each annual election thereafter, as terms of office expire, the school trustees shall be elected for three years, and, in case of expiration of term of appointment, for the unexpired term. Vacancies in the board of school trustees shall be filled by appointment by the county superintendent of schools (in case of joint union school districts by appointment by the county superintendent of the county in which the vacancy occurs), the appointee or appointees to hold until the first day of May next succeeding the appointment.

Composition of board.

Classification of districts.

Term of trustees.

Board
when dis-
tricts
unite.

Seventh—In union or joint union school districts formed by the union of but two school districts, the board of trustees of the union or joint union district shall consist of the two boards of trustees of the district so uniting, and each trustee shall continue to hold office for the term for which he was elected; *provided*, that should one or more additional districts at any time be admitted to such union or joint union district, the board of trustees shall then consist of one trustee from each of the original districts, as provided in subdivision six of this section, and the terms of the trustees in the two original districts and of the trustees in the district or districts admitted shall expire on the first day of May next ensuing after the admission of the third district.

Building.

Eighth—After the location of the union or joint union school, or schools, has been determined, as provided in subdivision two of this section, the representatives, acting as a board of trustees, or their successors, may erect or lease a suitable building, as they may deem most advisable. A lease shall not be made for a longer period than three years. A building may be erected under the provisions of sections eighteen hundred and thirty to eighteen hundred and thirty-nine, inclusive, of this code, relating to a district tax, or sections eighteen hundred and eighty to eighteen hundred and eighty-nine, inclusive, of this code, relating to the issuance of bonds. In all cases the plans must be approved by the county superintendent of schools of the county in which the schoolhouse is to be located.

Change of
location.

Ninth—No change of location of any union or joint union school, when once established, shall be made, except upon a petition to the county superintendent of schools (or superintendents, in case of a joint union district), signed by two thirds of the heads of families who reside in the school district and who have children attending the school as is shown by the teacher's register in the school, and then only in accordance with all the provisions for the original location of the school, as contained in subdivisions two and three of this section.

Powers of
boards.

Tenth—The powers and duties of boards of trustees in union or joint union school districts shall be such as are now, or may hereafter be assigned by law to boards of school trustees, except as otherwise provided in this section.

Meetings.

Eleventh—Boards of trustees of union or joint union school districts shall hold regular meetings at the school building, at such time as may be provided in the rules and regulations adopted by them for their own government. Such meetings shall not be held less frequently than quarterly. Special meetings may be held at the call of the president of the board. Upon the request, in writing, signed by a majority of any board, the president of said board shall call a meeting thereof, pursuant to such request. Of all special meetings of any board the members thereof shall have at least two days' notice, issued and served by the clerk thereof. At special meetings no business shall be transacted other than as specified in the call therefor; *provided*, that in union and joint union districts formed

by the union of more than three school districts the board may appoint an executive committee, consisting of the president and the clerk and one other member of the board, to attend to the routine business of the board, their action to be reported to the board for ratification at its first meeting ensuing.

Twelfth—The course of study shall be that prescribed by the proper authority, and shall embrace a period of not less than eight years, except as may be hereafter provided by law; and the text-books used shall be those adopted by the proper authorities. In joint union districts the provisions of section fifteen hundred and eighty-three of this code shall apply. Course of study.

Thirteenth—The board of trustees of a union or joint union school district may contract, in such manner as they may deem best, for the transportation, to and from school, of such pupils as may seem to such board to be in need of such transportation, and shall pay for such transportation, in the usual manner, out of any funds available for the purpose; *provided*, that all such contracts for transportation shall be first approved by the county superintendent (or superintendents) of schools of the county (or counties) in which such district is situated. Transportation of pupils.

Fourteenth—Whenever in their judgment it may be deemed advisable, the board of trustees for any union or joint union school district may unite with the trustees of any other school district, single, union or joint, in the employment of a supervising principal, who shall devote such time to the supervision of instruction in the several school districts and shall receive such compensation from each board of trustees as may be agreed upon by them. Supervising principal

Fifteenth—(1) On the first day of July next ensuing after the formation of a union or joint union school district, or the admission thereto of a school district, the county superintendent of schools (or superintendents in joint union school districts) shall transfer, by requisition upon the county auditor, all funds remaining to the credit of the different districts uniting to form the union or joint union district (or to the credit of the district admitted thereto) to the credit of such union or joint union district. Transfer of funds.

(2) For the purposes of teachers' reports and for the estimating of the number of teachers and the amount of money to which each district is entitled, the several districts uniting to form the union school district shall continue their separate existence. Separate existence.

The teacher or teachers shall keep the enrollment and attendance of each district separate from that of the other districts composing the union. At the close of the term or year, a report shall be made of the attendance of each district composing the union separately. These separate reports shall be combined into a principal's report. In case of a joint union school district, the teacher or teachers shall send a copy of each report to the county superintendent in whose county parts of the district lie; *and provided, further*, that no moneys shall be apportioned directly to any of such several districts, while Enrollment separate.

forming a part of an organized union or joint union school district, but there shall be apportioned to such union or joint union district the aggregate of moneys that would be apportioned to the several school districts composing it, if such several districts were not united.

Admission of new districts.

Sixteenth—(1) Any school district may be admitted to a union or joint union school district by action of the board of supervisors of the county in which such school district is located, upon such terms as may be agreed upon between the board of trustees of the school district seeking admission and the board of trustees of the union or joint union school district, whenever a majority of the heads of families who reside in the district and who have children enrolled in the school as is shown by the teacher's report on file in the office of the superintendent of schools for the year or term immediately preceding, shall present to said board of supervisors a petition for such annexation, accompanied by a petition for such annexation signed by a majority of the members composing the board of trustees of the union or joint union district to which admission is desired. The county superintendent of schools shall then classify the newly admitted district, in class A, B, or C, as provided in subdivision six of this section, for the election of a trustee thereby. If such petitioning school district and such union or joint union school district be not wholly situated in the same county, then said petitions shall be presented in duplicate to the board of supervisors of each and every county in which any part of either of such districts is situated, and such annexation shall be made only by the concurrent action of all of such board of supervisors; and in that case the classification of the annexed district, for election of a trustee, shall be made by concurrent action of the county superintendents of each and all such counties.

Admission of part of district.

(2) A portion of a school district may be admitted to an adjacent union or joint union school district by action of the board of supervisors of the county in which such school district is situated, whenever a majority of the heads of families who reside in the district and who have children attending the school as shown by the teacher's register, shall present to said board of supervisors a petition for such annexation, accompanied by a petition for such annexation signed by a majority of the members composing the board of trustees of the union or joint union district to which admission is desired. The board of supervisors shall attach such annexed portion of a school district to a contiguous original school district forming part of the union or joint union district, for voting and other purposes, and such annexed portion shall thereafter be a part of the original district to which it is so attached, and can not subsequently withdraw from the union or joint union district, except as the district to which it is so attached withdraws. Such annexed portion shall have no representation on the board of trustees of the union or joint union school district, except as a part of the district to which it is attached. If such

portion of a school district and such union or joint union school district be not wholly situate in the same county, then said petition shall be presented in duplicate to the board of supervisors of each and every county in which any part of either of such districts is situated, and such annexation, and such attachment of annexed portion to one of the original districts, shall be made only by the concurrent action of all such boards of supervisors.

(3) Any school district contained in a union or joint union school district may, in like manner, withdraw from such union or joint union district by action of the board (or boards) of supervisors of the county (or counties) in which the union or joint union district is located, upon such terms as may be agreed upon between the trustee of the school district seeking to withdraw and a majority of the other members of the board of trustees of the union or joint union district, whenever a majority of the heads of families residing in the union or joint union district, including two thirds of the heads of families who reside in the district wishing to withdraw and who have children attending the school as shown by the teacher's register, shall present to such board or boards of supervisors a petition for such withdrawal, accompanied by a written consent to such withdrawal signed by a majority of the members composing the board of trustees of such union or joint union district.

With-
drawal
of district.

Seventeenth—Any union or joint union school district, formed under the provisions of this section, and which shall have been in existence three years or more, may be dissolved in the following manner: A petition signed by two thirds of the heads of families who reside in the district and who have children who attend the school as shown by the teacher's register or as may be shown by a census of the district ordered by the board of school trustees, shall be presented to the county superintendent of schools of the county in which such district is situated, setting forth briefly the reasons for dissolution and praying that the question may be submitted to the voters in such district. Upon receiving such petition the superintendent shall, within twenty days, call an election in the district, submitting to the voters therein the question of dissolution of such district. If such petitioning district be not wholly situated within the same county, said petition shall be presented in duplicate to the superintendent of each county having territory within such district, and each superintendent so petitioned shall, within twenty days after receiving such petition, call an election in the territory situate within his county and forming part of such district, and appoint three electors resident within such territory to conduct such election therein. Notice of such election, which must be held throughout the district on the same day and during the same hours, shall be given by posting written or printed notice thereof in at least three of the most public places in such district for at least twelve days next before the day set for such election; and if such district be not wholly situated in the same county,

Dissol-
tion of
district.

Election.

said notice shall be posted for said time in three of the most public places in the portion of the district in each county. Said election shall be conducted in the manner provided by law for conducting school elections. The ballots shall have printed on them the words "For Dissolution," and the voters shall write or print thereafter the word "Yes" or the word "No." The election officers shall report the result of such election within five days thereafter to the county superintendent of schools of the county of which they are residents.

Ballot. If a majority of all the votes cast at such election be opposed to dissolution, no further petition shall be entertained or election ordered for a similar purpose within three years next following such election. If the district in which such election is held be wholly situated in one county, and if two thirds of all the votes cast at such election be in favor of dissolution, the county superintendent of such county shall forthwith certify the result of such election to the board of supervisors of such county, and such board shall, at its first regular meeting thereafter, make an order declaring such union district dissolved, such order to take effect at the end of the current school year, except as hereinafter provided. If the district in which such election is held be not wholly situated in one county, each of the county superintendents of the counties having territory therein shall immediately certify to the others the result of the election in his own county, and if two thirds of all the votes cast at such election be in favor of dissolution, all of such county superintendents shall, jointly, forthwith certify the result of such election to the board of supervisors of each of such counties, and said boards, and each of them, shall, at the first regular meeting thereafter, make an order declaring such union or joint union district dissolved, such order to take effect at the end of the current school year, except as hereinafter provided. When a union or joint union school district has been thus dissolved, the property thereof shall be sold by the board of supervisors of the county in which such property is situated, and the proceeds of such sale, together with any moneys in the treasury to the credit of such dissolved district, shall be apportioned to and placed to the credit of the school districts that composed such dissolved district in proportion to the value of property in each of such school districts, as determined by the last previous assessment therein for school purposes, and the board or boards of supervisors of the county or counties in which such dissolved district is situated shall make such orders, and such transfers from county to county, as may be necessary or proper to effect such apportionment. From and after the time of the making of the order or orders hereinbefore provided for, declaring a union or joint union school district dissolved, the original school districts composing the same, with such additional territory as shall have been annexed to them, shall be considered to be in existence again, as separate districts, and subject to the provisions of sections fifteen hundred and ninety-three to sixteen hundred and two of this code,

Majority against.

Order of dissolution.

Property sold.

Separate districts in existence.

relating to elections for school trustees, the first of such elections in each of such districts to be held as in the case of a newly formed district; but such order or orders shall not affect the continuance of the union or joint union board of trustees, or the maintenance of the union or joint union school, until the end of the current school year, at the expiration of which time such board and school shall cease to exist.

Eighteenth—If the average daily attendance from any one of the school districts composing a union or joint union school district shall fall to five or less for the entire year, the county superintendent shall report the facts to the board of supervisors under the provisions of subdivision two of section one thousand five hundred and forty-three of the Political Code and the board of supervisors shall lapse or suspend the district as is provided in the section named.

Attend-
ance less
than five.

CHAPTER 94.

An act to repeal an act entitled, "An act to provide for the dedication to public use for street purposes of certain lands of the state normal school at Los Angeles; to prescribe the conditions of such dedication; to authorize and empower the board of trustees of said state normal school to convey said lands to the city of Los Angeles to public use for street purposes, and to authorize and empower said board of trustees to make certain changes, alterations and repairs in the buildings and other improvements upon the lands of said state normal school arising out of such dedication," approved April 15, 1909.

[Approved April 26, 1913. In effect August 10, 1913.]

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

SECTION 1. The act approved April 15, 1909, and entitled *Repealed.* "An act to provide for the dedication to public use for street purposes of certain lands of the state normal school at Los Angeles; to prescribe the conditions of such dedication; to authorize and empower the board of trustees of said state normal school to convey said lands to the city of Los Angeles to public use for street purposes, and to authorize and empower said board of trustees to make certain changes, alterations and repairs in the buildings and other improvements upon the lands of said state normal school arising out of such dedication," is hereby repealed.

CHAPTER 95.

An act to add a new section to the Political Code of the State of California, to be designated as section number 3084, relating to the issuance of burial permits.

[Approved April 26, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Political Code, to be designated as section 3084, to read as follows:

Burial
permit.

3084. No person, firm or corporation shall deposit in any cemetery, or inter in any cemetery in any county, city, or city and county in this state, any human body without first having obtained and filed with the board of health, or health officer, of the city, city and county, or county where the death occurred, a certificate, signed by a physician, or a coroner, setting forth as near as possible, the name, age, color, sex, place of birth, occupation, date, locality and the cause of death of the deceased, and obtain from said board of health or health officer a burial permit; nor shall any human body be removed or disinterred without a permit from the board of health, health officer, or by order of the coroner, of the county, city and county, or city in which the same is buried. A burial permit issued in one county, or city, or city and county, shall be valid and sufficient in any county which shall be specified therein as the place of interment, and shall be issued in duplicate, and shall be marked respectively original and duplicate. The original shall be retained by and filed with the board of health, or health officer issuing the same, and the duplicate shall be presented to and filed with the board of health or health officer of the county wherein the body is interred, and no further permit for burial shall be required, but any county burial fees required by law or ordinance shall be paid. Superintendents of cemeteries must return to the county board of health or health officer, and county recorder of the county where the interment is made, on each Monday, the names of all persons interred or deposited within their respective cemeteries for the preceding week. No superintendent of a cemetery shall remove, permit, or cause to be removed, disinter or cause or permit to be disinterred, any corpse that has been deposited in the cemetery, without a permit from the county board of health, or health officer, or by order of the county coroner. The board of health, or health officer must file a report with the county recorder on each Monday, showing the names of all persons interred in the county on permits issued outside of the county, for the preceding week, and by what board of health or health officers burial permits therefor were issued.

Removal
of body.

Superin-
tendent's
report.

Health
officer's
report.

CHAPTER 96.

An act to amend section one of an act entitled "An act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein, and providing a penalty for the illegal deposit and use thereof," approved March 23, 1907.

[Approved April 20, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one of an act entitled "An act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein, and providing a penalty for the illegal deposit and use thereof," approved March 23, 1907, is hereby amended to read as follows:

Section 1. All moneys belonging to any county or municipality within the state may be deposited by any officer of such county or municipality having the legal custody of such county or municipal funds in any licensed national bank or banks within this state, or in any bank, banks or corporations authorized and licensed to do a banking business and organized under the laws of this state; *provided*, that such bank or banks in which such moneys are deposited shall furnish as security for such deposits bonds of the United States, or of this state, or of any county, municipality, school district, or irrigation district within this state, approved by the officer making the deposit and the district attorney for the county or city attorney for the municipality to which the deposit belongs. The market value of the bonds furnished shall be at least ten per cent in excess of the amount of the deposit secured thereby; but the amount of the deposit shall in no case exceed the face value of the bonds furnished as security therefor; *and provided*, that such bank or banks shall pay a reasonable rate of interest, not less than two per cent per annum, on the daily balances therein deposited.

CHAPTER 97.

An act to amend section six hundred and seventy-six of the Political Code relating to the investment of state school funds.

[Approved April 20, 1913. In effect August 10, 1913.]

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

SECTION 1. Section six hundred seventy-six of the Political Code, as amended by an act approved April 3, 1911, is hereby amended to read as follows:

Section 676. Whenever and as often as there is in the state

Invest-
ment of
school
funds.

treasury the sum of ten thousand dollars as the proceeds of the sale of state school lands, the board must invest the same in the bonds of this state, or in the bonds of the United States, or in the bonds of any county, permanent road district, city and county, city, town, school district, or irrigation district within this state; the investment to be made in such manner and on such terms as the board shall deem best for the fund. All such bonds purchased by the board under the provisions of this section must be delivered to the state treasurer, who shall keep them as a special school fund deposit, and the interest upon such bonds when collected, shall be placed by him to the credit of the state school fund.

CHAPTER 98.

An act to amend section three of an act entitled "An act to authorize the deposit of state moneys in banks in this state, and to repeal all acts and parts of acts in conflict with this act," approved February 28, 1907, and amended by an act approved March 24, 1911.

[Approved April 29, 1913. In effect August 10, 1913.]

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

SECTION 1. Section three of the act entitled "An act to authorize the deposit of state moneys in banks in this state, and to repeal all acts and parts of acts in conflict with this act," approved February 28, 1907, and amended by an act approved March 24, 1911, is hereby amended to read as follows:

Security
for state
funds
deposited
in banks.

Section 3. For the security of the funds deposited by the state treasurer under the provisions of this act, there shall be deposited with the treasurer bonds of the United States, or of this state of any county, municipality, school district or irrigation district within this state, which bonds shall be approved by the governor, controller and treasurer, to an amount in value at least ten per cent in excess of the amount of the deposit with such bank or banks; and if in any case, or at any time, such bonds are not deemed satisfactory security to the governor, controller and treasurer, they may require such additional security as may be satisfactory to them. Said bonds, or any part thereof, may be withdrawn on the written consent of the governor, controller and treasurer; *provided*, that a sufficient amount of said bonds to secure said deposits shall always be kept in the treasury; and in the event that said bank or banks of deposit shall fail to pay such deposits, or any part thereof, on the demand of the state treasurer, then it shall be the duty of the state treasurer to forthwith convert said bonds into money and to disburse the same according to law.

CHAPTER 99.

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

[Approved April 30, 1913. In effect August 10, 1913.]

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

SECTION 1. A drainage district is hereby created to be known and designated "Knight's Landing ridge drainage district," the boundaries of which said district shall be as follows: Knight's
Landing
Ridge
Drainage
District.

Beginning at a point which is the intersection of the township line dividing township 12 north, range 1 east and township 13 north, range 1 east, Mt. Diablo base and meridian, and the right or west bank of the Sacramento river, said point being on the boundary line between the counties of Colusa and Yolo, State of California; and thence southeasterly along and with the said right or west bank of the said Sacramento river, to the intersection with the east boundary line of section 12 in township 12 north, range 1 east; thence south along the east line of said section 12 to its intersection with the right bank of said Sacramento river; thence southeasterly along the right or west bank of said Sacramento river to its intersection with the quarter section line running north and south through the center of section 32, township 11 north, range 3 east, Mount Diablo base and meridian; thence south to the center of section 8, township 10 north, range 3 east, Mount Diablo base and meridian; thence west to the quarter section corner common to section 7, township 10 north, range 3 east and section 12, township 10 north, range 2 east; thence north to the southeast corner of the northeast quarter of the northeast quarter of said section 12; thence west to the east line of section 11, township 10 north, range 2 east; thence north to the section corner common to sections 1, 2, 11 and 12, township 10 north, range 2 east; thence west to the southwest corner of the southeast quarter of the southeast quarter of said section 2; thence north to the center of the southeast quarter of said section 2; thence west to the center of the southwest quarter of said section 2; thence north to the mid-section line running east and west through the said section 2; thence west to the east line of section 3, township 10 north, range 2 east; thence north to the southeast Bound-
aries.

Bound-
aries.

corner of the northeast quarter of the northeast quarter of said section 3; thence west to the center of the northeast quarter of said section 3; thence north to the center of the southeast quarter of section 34, township 11 north, range 2 east; thence west to the mid-section line running north and south through said section 34; thence north to the center of said section 34; thence west to the southwest corner of the southeast quarter of the northwest quarter of said section 34; thence north to the mid-section line running east and west through section 27, township 11 north, range 2 east; thence east to the center of said section 27; thence north to the south line of section 22, township 11 north, range 2 east; thence east to the southwest corner of the southeast quarter of the southeast quarter of said section 22; thence north to the mid-section line running east and west through the said section 22; thence east to the west line of section 23, township 11 north, range 2 east; thence north to the northeast corner of said section 22; thence west to the northwest corner of said section 22; thence north to the one-fourth section corner between sections 15 and 16, said township and range; thence west to the one-fourth section corner between sections 17 and 18, said township and range; thence north to the northeast corner of the southeast quarter of the northeast quarter of section 18; thence west to the center of the northeast quarter of the said section 18; thence north to the center of the southeast quarter of section 7, township 11 north, range 1 east; thence west to the center of the southwest quarter of the said section 7; thence north to the center of the northwest quarter of the said section 7; thence west to range line between ranges 1 and 2 east and the southwest corner of said northwest quarter of the northwest quarter of said section 7; thence south along the range line to the southeast corner of section 12 in township 11 north, range 1 east, Mount Diablo base and meridian; thence west, one and one-half miles to the quarter section corner between sections 11 and 14 in said last mentioned township and range; thence north, through the center of said section 11, to the quarter section corner between said section 11 and section 2 in said last mentioned township and range; thence west one mile to the quarter section corner between sections 3 and 10, said last mentioned township and range; thence north one mile through the center of said section 3 to the township line between townships 11 and 12 north, and to the quarter section corner between section 3 in said township 11 and section 34 in said township 12 north, range 1 east; thence west one mile to the quarter section corner between section 4 in township 11 north and section 33 in township 12 north, range 1 east; thence north zero degrees, 50 minutes east to a point nine hundred eighty-four and three-tenths (984.3) feet south of the center of said section 33. in township 12 north, range 1 east; thence north 81 degrees, 59 minutes west twenty-six hundred and eighty and four-tenths (2680.4) feet to the line between sections 32 and 33,

in said last mentioned township and range; thence south along said line, to the southeast corner of said section 32; thence west one mile to the southwest corner of said section 32; thence north, along the section line between sections 31 and 32 in said township and range to a point seven hundred and forty-six and two tenths (746.2) feet north of the quarter section corner between said sections 31 and 32; thence north 31 degrees, 14 minutes 30 seconds west, eleven thousand five hundred and twenty-seven and one tenth (11,527.1) feet to a point six hundred feet west of the quarter section corner between sections 19 and 24, and townships 1 east and 1 west; thence parallel with the meridian line north 00 degrees 04 minutes east to the north boundary line of section 1, in said township 12 north, range 1 west, and the line between the counties of Yolo and Colusa; thence, northeasterly in a straight line to the northeast corner of the southeast quarter of section 36, in township 13 north, range 1 west, Mount Diablo base and meridian, in the county of Colusa; thence north to the northeast corner of said section 36; thence continuing north to an intersection with a line running parallel with and five hundred feet westerly from the westerly base of "Howell Point" levee, which point of intersection is one and ninety-six hundredths (1.96) chains south of the northeast corner of section 25 in said township 13 north, range 1 west, M. D. M.; thence north 31 degrees, 45 minutes west, parallel with and five hundred feet westerly of the base of said "Howell Point" levee, sixty-six and ninety-six hundredths (66.96) chains; thence north 48 degrees, 15 minutes west, to an intersection with the south line of section 11, said last mentioned township and range at a point one and sixty-four hundredths (1.64) chains east of the southwest corner of said section 11; thence west one and sixty-four hundredths (1.64) chains to the southwest corner of section 11; thence (variation 18 degrees, 30 minutes east) north 00 degrees, 07 minutes east, three and ninety-three hundredths (3.93) chains to the westerly boundary of a certain tract of land over which Henry Gregory granted to reclamation district No. 108 a right of way for levee and canal purposes, by deed recorded in the office of the county recorder of the county of Colusa, on the 31st day of March, 1903, in book 55 of deeds at page 514; thence (variation 18 degrees, 30 minutes east) north 42 degrees, 27 minutes west, along the western boundary of said last mentioned tract, one hundred and four and twenty-four hundredths (104.24) chains to a stake on the line between sections 3 and 10 said last mentioned township and range, at a point fourteen and twenty-nine hundredths (14.29) chains east of the northwest corner of said section 10; thence west, along the line between said section 3 and 10 to the said northwest corner of said section 10; thence north, on the line between sections 3 and 4 in said last mentioned township and range, fifteen and sixty hundredths (15.60) chains to the westerly boundary of a certain tract of land over which Andrew Hop-

Bound-
aries.

kins granted to reclamation district No. 108 a right of way by deed recorded in the office of the county recorder of Colusa county, on the 31st day of August, 1906, in book "62" of deeds, at page 102; thence north 42 degrees, 27 minutes west, forty-three and twenty-nine hundredths (43.29) chains to an intersection with the north boundary line of land now owned by Andrew Hopkins in section 4; thence, continuing on same course, forty-three and eleven hundredths (43.11) chains to township line between townships 13 and 14 north, range 1 west, at a point seven and twenty-seven hundredths (7.27) chains west of the quarter section corner between said section 4 and section 33 in township 14 north, range 1 west; thence west to the quarter section corner between sections 5, township 13 north, range 1 west, and section 32 in township 14 north, range 1 west. Mount Diablo base and meridian; thence north to the center of section 29, township 14 north, range 1 west; thence east to the center of section 27 in said township and range; thence north to the center of the south half of section 22, said township and range; thence east to the northeast corner of the southeast quarter of the southeast quarter of said section 22; thence north to the quarter section corner between sections 22 and 23; thence east to the quarter section corner between sections 23 and 24, said township and range; thence north to the northwest corner of the southwest quarter of the northwest quarter of said section twenty-four; thence east to the center of the northwest quarter of said section 24; thence north to the south line of section 13, same township and range; thence west to the southwest corner of said section 13; thence north to the quarter section corner between sections 13 and 14, same township and range; thence east, through the center of said section 13 to the quarter section corner between sections 13 and 18 on the meridian line between ranges 1 west and 1 east; thence south along the meridian line, and east boundary of said section 13 and 24, to the southwest corner of the northwest quarter of the northwest quarter of section 19 in township 14 north, range 1 east, M. D. M.; thence east to the mid-section line running north and south through the center of said section 19; thence south to the southeast corner of the northeast quarter of the northwest quarter of section 30, in said township and range; thence west to the center of the northwest quarter of said section 30; thence south to the mid-section line running east and west through said section 30; thence east to the center of said section 30; thence south to the southwest corner of the northwest quarter of the northeast quarter of section 31, thence east to the center of the northeast quarter of said section 31; thence south to the mid-section line running east and west through said section 31; thence east to the east line of said section 31; thence north to the southeast corner of the northeast quarter of the southeast quarter of said section 30; thence west to the center of the southeast quarter of said section 30; thence north to the mid-section line running east and west through the center of said

section 30; thence east to the east line of said section 30: Bound-
 thence north to the southeast corner of the northeast quarter aries.
 of the northeast quarter of said section 30; thence east to the
 mid-section line running north and south through the center
 of section 29, same township and range; thence north to the
 north line of said section 29; thence east to the northeast cor-
 ner of the northwest quarter of the northeast quarter of said
 section 29; thence south to the mid-section line running east
 and west through the center of said section 29; thence east
 to the center of section 28 in said township 14 north, range
 1 east; thence south to the southeast corner of the northeast
 quarter of the southwest quarter of section 33, said township
 and range; thence west to the center of the southwest quarter
 of said section 33; thence north to the mid-section line run-
 ning east and west through the center of said section 33;
 thence west to the west line of said section 33; thence south
 to the southwest corner of section 33; thence east to the south-
 west corner of the southeast quarter of the southwest quarter
 of said section 33; thence south to the center of the northwest
 quarter of section 4 in township 13 north, range 1 east, M. D.
 M.; thence west to the west line of said section 4; thence
 south to the quarter section corner between sections 4 and 5
 in said last mentioned township and range; thence east to
 the southeast corner of the southwest quarter of the north-
 west quarter of said section 4; thence north to the center of
 the northwest quarter of said section 4; thence east to the
 east line of said section 4; thence north to the northeast cor-
 ner of said section 4 and the township line; thence east, along
 said township line between townships 13 and 14 north, range
 1 east, to the quarter section corner between sections 35 in
 township 14 north, range 1 east, and section 2 in township 13
 north, range 1 east, M. D. M.; thence south to the center of
 said section 2; thence east to the east line of said section 2;
 thence south to the quarter section corner between sections
 11 and 12, in said township 13 north, range 1 east; thence
 west to the center of the east half of said section 11; thence
 south to the south line of said section 11; thence west to the
 quarter section corner between sections 11 and 14 in said town-
 ship and range; thence south to the center of said section 14;
 thence west to the west line of section 14; thence south to the
 southwest corner of said section 14; thence west to the south-
 west corner of the southeast quarter of the southeast quarter
 of section 15; same township and range; thence south to the
 south line of section 27, same township and range; thence
 west to the quarter section corner between sections 27 and 34,
 same township and range; thence south, through the center of
 said section 34 to the south line of said section 34 and the town-
 ship line between townships 12 and 13 north, said township
 line, being also the boundary line between the counties of
 Colusa and Yolo, State of California; thence east along the
 township line to the point of beginning, and being in the
 counties of Colusa and Yolo, State of California.

Officers.

SEC. 2. The officers of said district shall consist of a board of five drainage commissioners who shall hold office two years from and after their election or appointment and until their successors have qualified. Said drainage commissioners shall be selected as follows: three from that portion of said district to be known as the northern division and lying north of a line running east and west through the center of sections 15, 16 and 17 in township 11 north, range 2 east M. D. B. & M., and extended beyond the limits of the east and west lines of said sections through the east and west boundaries of said district, and two from that portion of said district to be known as the southern division and lying south of the above described line, and each of them must at the time of his election or appointment be the owner of at least forty (40) acres of land in said Knight's Landing ridge drainage district and in the portion of said district from which he is elected, the test of his qualification as such commissioner to be such land ownership and not residence in the portion of said district from which he is selected.

Election.

SEC. 3. An election shall be held within forty days after the date upon which this act shall take effect, and on the last Monday of October of every second calendar year thereafter, at which election said commissioners shall be elected. Said first election shall be called by the reclamation board created by that certain act of the legislature of the State of California, entitled: "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27th, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," and approved December 24, 1911. Said reclamation board shall, prior to said first election procure from the assessor of said counties of Yolo and Colusa, respectively, a list certified by such assessors respectively, containing a description of all the lands of the district situated in such counties, the name of the person to whom each tract is assessed and the value thereof, as appears from the last prior assessment roll of said counties, which said list shall be furnished to and be used by the board of election hereinafter described in determining the number of votes each voter is entitled to cast. Said reclamation board shall also designate the voting places for said first election and for all succeeding elections, one of which shall be located in the northern division of the district and one in the southern division thereof, as above defined. Notice of the time and place of holding all elections in each of said divisions shall be given by said reclamation board by publica-

List of
lands in
district.

Notice of
election.

tion once a week for two weeks next preceding such election, in some newspaper published in Colusa county and also in some newspaper published in Yolo county. In all elections other than the first, the board of drainage commissioners shall, prior to the election, procure from the assessors of said counties of Yolo and Colusa, respectively, a list certified by such assessors respectively, containing a description of all the lands of the district situated in such counties, the name of the person to whom each tract is assessed and the value thereof as it appears from the last prior assessment roll of said counties, which said list shall be furnished to and be used by the board of election hereinafter described in determining the number of votes each voter is entitled to cast. In all elections said reclamation board shall appoint an inspector and two judges of election for each voting place, who shall constitute a board of election for such voting places.

At all elections of commissioners each owner of land within each portion of said drainage district as above defined, shall be entitled to cast one vote, in person or by proxy, for each commissioner to be elected therein for each one dollar's worth of real estate owned by such land owner within said portion of said district, such valuation to be determined by the next preceding assessment roll of the county in which the same is situated. The estates of minors, incompetents or deceased persons shall be represented by the guardian, executor, administrator or trustee in person. Where a tract is situated partly within and partly without the boundaries of such district, or partly in the northern portion of the district and partly in the southern portion thereof, and the assessment roll contains a valuation of said tract of land as a whole, the same must be apportioned according to the number of acres lying within and without the boundaries of said district or north and south of the above defined division line respectively. No person shall vote by proxy at such election, unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property, and filed with the board of election. In case no board of election shall be appointed, or if any member thereof shall fail or refuse to serve, the landowners present (at the time of the opening of such election) may appoint such board of election or supply the place of an absent member. Each member of the board of election must, before entering upon the discharge of his duties, be sworn to perform them faithfully. Any person entitled to vote at such election may administer the oath. The polls shall be kept open from ten o'clock a.m. till four o'clock p.m. on the day of said election. The boards of election must keep a list of the names of the persons voting at such election, together with a statement of the number of votes cast by each, and shall canvass the votes and make a return thereof showing the number of votes cast for each person for drainage commissioner and shall return therewith said list containing the names of the landowners voting at such election. Such elec-

Persons
entitled
to vote.

Land
partly
without
district.

No vote
by proxy.

Polls
open.

tion shall be by ballot, which ballots must contain the name of the person voting the same, the total number of votes cast, the names of the persons voted for and the number of votes cast for each of said persons. The ballots must be inclosed in an envelope by the election board, and delivered, with the election returns, to the said reclamation board, and said reclamation board shall cause a certificate of election to be issued by the secretary of said board to the person or persons receiving the highest number of legal votes. If a certificate of election shall be issued to any person who has not received the highest number of legal votes, and upon an affidavit being filed by a landowner in the portion of said drainage district from which such commissioner was declared elected, setting forth that such person did not receive the highest number of legal votes, and giving the names of the persons who cast illegal votes for such person, and the number of such illegal votes so cast, the said reclamation board shall canvass the election returns, and hear evidence touching the legality of any votes cast, and may revoke such certificate of election and issue a certificate to the person legally elected. Within fifteen days after receiving a certificate of election, and before entering upon the duties of his office, each drainage commissioner shall take the oath of office prescribed by law, and file the same in the office of said reclamation board. All vacancies in the board of drainage commissioners shall be filled by the said reclamation board, and such appointee shall hold office until the next succeeding election, and the qualification of his successor.

Oath of office.

Organization of board.

Office of board.

Meetings.

SEC. 4. The board of drainage commissioners shall elect one of their number as president, and shall elect a secretary who may or may not be a member of said board, and an engineer, who shall not be a member of said board, and employ such other persons as may be necessary to assist and advise said board. The office of said board of drainage commissioners shall be kept at the city of Sacramento, but the same may be changed by the said board from time to time. The board shall hold regular meetings upon the first and third Saturdays of each month, and may, in the by-laws of the district, provide for as many additional regular meetings as may be necessary, and at such meetings three of said members shall constitute a quorum for the transaction of any and all business. The days of holding regular meetings as fixed by this act may be changed by said board from time to time. Special meetings may be called and held at such times and in such manner as the by-laws may provide. Any meeting of the commissioners, at which all members of the board are present, shall be deemed a regular meeting at which any business may be transacted. No commissioner shall be disqualified from participating in any and all proceedings or actions of the board of drainage commissioners, except that he shall not cast a deciding vote upon a motion or resolution to pay money or award a contract directly to himself. Each commissioner

Compensation.

shall receive ten dollars per day and necessary mileage actually expended while engaged in the performance of his duties.

SEC. 5. The board of drainage commissioners shall have ^{Powers.} power to adopt by-laws not in conflict with general laws; to appoint an executive committee with such powers as shall not be in conflict with general laws; to employ engineers and others to survey, plan, locate and estimate the cost of the works necessary for the drainage of the lands of the district; to thereafter, at any time, in its discretion, modify or change such original plan or plans, or adopt new, supplemental or additional plan or plans, when in its judgment the same shall have become necessary; *provided*, that said board of drainage commissioners must report to the reclamation board such original plan or plans of the work and every new, supplemental or additional plan, if any, together with the estimates of the cost of the works necessary for the drainage of the lands of the district, in pursuance of any such plan or plans, together with an estimate of incidental expenses; to acquire from private persons, reclamation, swamp land, levee or other public agencies or protection districts, or corporations, all rights of way, easements, property and material, whether outside or within the limits of the district, necessary or requisite for levees, canals and other drainage works, by donation, contract purchase or by proceedings under the provisions of title VII part 3 of the Code of Civil Procedure of the State of California for condemnation thereof in the name of the district or any other provision of law in relation to the right of eminent domain; to sue and be sued in the name of said drainage district and to do all other acts or things necessary or requisite for the full exercise of its powers or necessary for the promotion of the drainage of lands within said drainage district. It shall be the duty of said board of drainage commissioners to take such steps as may be necessary to open a cut through Knight's Landing ridge in Yolo county, and to construct a canal leading from said cut for the purpose of draining and disposing of the waters of Colusa basin by carrying the same to the head of the proposed Yolo by-pass in section eight, township 10 north, range 3 east, M. D. B. and M., in said county of Yolo, as defined by and in accordance with the general plan of the California debris commission, transmitted to the speaker of the house of representatives of the United States by the secretary of war, on the 27th day of June, 1911, with such modifications or amendments as may hereafter be adopted by said reclamation board, and in accordance with such plan as shall be approved by said reclamation board, or made in accordance with law and in the manner hereinafter provided. The said canal shall be of such size and the embankments thereof of sufficient strength and dimensions as to prevent the waters therein from overflowing its banks. No water shall be permitted to flow through any cut or excavation in said ridge provided to be made in this act until the canal to be constructed as hereinbefore provided shall have been completed so ^{Drainage of Colusa basin.}

as to convey the waters flowing or to flow through said cut to the head of said proposed Yolo by-pass in said section eight, in a manner satisfactory to the said reclamation board. Said reclamation board shall have power to direct the method of the construction of said cut, canal and levees. Said drainage commissioners shall also have power to construct such gates in said canal or ridge, or in or near Sycamore slough where the same enters the Sacramento river above said ridge, as may be necessary to carry out such plan. If required by the said reclamation board, such gates must be constructed before such ridge is cut or excavated.

Gates
near
Sycamore
slough.

Assessors.

SEC. 6. The said reclamation board shall upon receipt of plans and estimates, as above set forth, appoint three assessors, who shall be disinterested persons, and who shall have no interest in any real estate within said drainage district, and each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of an assessor to the best of his ability. Said assessors must assess upon the land within said drainage district the said sum so estimated by the board of drainage commissioners, and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, by reason of the expenditure of said sums of money. Said assessors shall make a separate list of the lands so assessed in each county, which list shall contain a description of the tracts of land assessed, by swamp land surveys, legal subdivisions, or other boundaries or references sufficient to identify the same; the name of the owner, if known or if unknown, that fact; the amount of the charge assessed against each tract. No mistake in the name of the owner or supposed owner, of any real estate shall invalidate the assessment. Said lists, when completed, shall be filed with the clerk of the board of supervisors of the county of Yolo, State of California. The said board of supervisors shall appoint a time when it will meet for the purpose of hearing objections to said assessment, and notice of such hearing shall be given by publication for four weeks in a newspaper of general circulation published in the county of Yolo, and in a newspaper of general circulation published in the county of Colusa. At any time before the date of such hearing any person interested in any land upon which any charge has been assessed may file written objections to such assessments with the clerk of said board of supervisors stating the grounds of such objections, which said statement shall be verified by the affidavit of such person, or some other person who is familiar with the facts. At said hearing the said board of supervisors shall hear such evidence as may be offered in support of said written objection, and may modify or amend the assessment in any particular, or make a reapportionment of the entire assessment. If the amount of any assessment in said list shall be changed, the said board of supervisors shall set a day for hearing objections to said assess-

Asses-
ment lists.

Objec-
tions.

ment as changed, and shall give notice thereof by publication for four weeks in a newspaper of general circulation published in the county of Yolo, and in a newspaper of general circulation published in the county of Colusa. At such hearing objections in writing may be made by any person interested, and the board of supervisors shall proceed to hear the same in the same manner as upon the original hearing. If the amount of any assessment shall again be changed, the said board of supervisors shall proceed as before to give notice and to hear objections thereto, and shall proceed in a similar manner until the amount of each assessment shall be finally fixed and approved. The said board of supervisors shall then make an order approving said assessment, and shall endorse such order upon such assessment list, which said endorsement shall be signed by the chairman of said board of supervisors and attested by the clerk thereof, and such decision of said board of supervisors shall be final, and thereafter said assessment list shall be conclusive evidence that the said assessment has been made and levied according to law, except in an action commenced, as hereinafter provided. Immediately after the approval of said assessment the order approving same shall, by the clerk of said board of supervisors, be deposited in the office of the county treasurer of Yolo county, and a copy thereof shall be certified to by said clerk and deposited by said clerk in the office of the treasurer of Colusa county. Any person aggrieved by the decision of the said board of supervisors may commence an action in the superior court of the county in which the greater part of said district is situated, to have said assessment corrected, modified or annulled. Such action must be commenced within thirty days after said assessment list has been filed in the office of the county treasurer of the county in which the land affected is situated. If said action shall not be commenced within said thirty days, no action or defense shall thereafter be maintained attacking the legality of said assessment in any respect.

Order approving assessment.

Action to correct.

SEC. 7. From and after the filing of the list with the treasurer of each respective county, the charges assessed upon any tract of land within the said county shall constitute a lien thereon and shall impart notice thereof to all persons. No subsequent act or conduct of the commissioners shall invalidate said assessment or lien, but such commissioners may be compelled by mandate or other proper proceeding to perform their duties, as required by law. The list thus prepared and filed must remain in the offices of the respective treasurers for thirty days from such filing, or longer if ordered by the board of drainage commissioners, and during the time they so remain, any person may pay the amount of the charge assessed against any tract of land to the treasurer of the county in which such tract is situated in gold coin of the United States, or in warrants of the district. At the end of thirty days, the treasurers must return the lists to the board of commissioners of the district, and all unpaid assessments shall there-

Charges lien on property.

Return of lists.

Delinquent
install-
ment.

Publi-
cation of
notice.

Sale of
property.

District
may pur-
chase.

after bear interest at the rate of seven per cent per annum, and shall be collected and paid in separate installments, of such amounts, and at such time, respectively, as the board, from time to time, in its discretion, may, by order entered in its minutes, direct; if any such installment shall remain unpaid at the expiration of thirty days from the date of the order, then said installment shall become delinquent, together with the accrued interest thereon, and ten per cent of the amount of said installment and interest shall be added thereto, and collected for the use of the district; *provided, further,* that the commissioners must on the first day of January of each year, except when bonds shall have been issued on the assessment, order the collection of a sufficient amount of said assessment to pay all warrants that have been issued and outstanding for a period of two years or more, together with the interest on such warrants. Immediately after the said installment has become delinquent, the board of drainage commissioners must publish a notice at least once each week for three weeks in some newspaper of general circulation published in the county or counties in which any land upon which such installment may be delinquent is situated, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed, or a statement that it is assessed to unknown owners, if such be the fact; the amount of the delinquent installment, the amount of the interest at the date of delinquency, the amount of the penalty that has been added as above provided, and a notice that the property assessed will be sold on a date therein stated, at such place in said district as the board of commissioners may in said notice designate, to pay said installment with accrued interest and the penalty hereinbefore specified. At the time stated in said notice, or such other time to which said sale may have been postponed, the commissioners must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the commissioners must pay the amount of said installment with the accrued interest thereon and the penalty herein provided for to the county treasurer of the county of Yolo who shall place the same in the proper funds of said district, and the commissioners must pay to the owner of said property any surplus remaining after such payment to said county treasurer. The commissioners may postpone said sale from time to time by a written notice posted at the place of sale. If no bid is made for said property equal to the amount of said installment, accrued interest and penalty, the district shall become the purchaser, and the said property must be struck off to the district for the amount of said installment, accrued interest and penalty. A certificate of such sale shall be executed by the commissioners to the purchaser, or to the district, if the property shall have been struck off to the district, and said certificate of sale shall be recorded in the office of the county recorder of the county in which the land sold is situated, or if situated in two counties,

then in the office of the county recorder of each thereof. Any person interested in said property may redeem the same at any time within one year after the date of said sale, by paying to the county treasurer of Yolo county the amount of said installment with the accrued interest and penalty, and interest on the said sums at the rate of two per cent per month from the date of said sale. Redemption of property.

If no redemption shall be made within said one year, the purchaser, or the district, if said property shall have been sold to the district, shall be entitled to a deed executed by said commissioners, and the effect of such deed shall be to convey said property free of all liens and incumbrances, excepting state, county and municipal taxes, and the liens of assessments now levied or which may hereafter be levied by any of the reclamation districts situate within said drainage district, and the unpaid balance of said assessment, which said balance must be called in and collected in the same manner as other assessments: *provided*, that where said property shall have been decided to the district and shall not have been sold by the commissioners, the same shall not be offered for sale for subsequent installments of said assessments so long as the district shall remain the owner of said property, but the commissioners may sell said property at any time at public auction after notice given for the same period and in the same manner as is herein provided for sales for delinquent installments, but not for a sum less than all delinquent unpaid installments with accrued interest and penalties, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances, except state, county and other municipal taxes, the lien of any assessments levied or which may hereafter be levied by any reclamation district within said drainage district and the unpaid balance of said assessment. Deed.
Sale of property decided to district.

In all cases where an assessment shall hereafter be levied for drainage purposes on the lands embraced within said drainage district, if, for any reason, any tract or tracts of land shall not have been charged with said assessment, then such tract or tracts of land shall be charged in any subsequent assessment with such proportion of the former assessment as the benefits derived by said lands from the drainage works, for which said former assessment was levied, bears to the whole amount of said former assessment; or a subsequent re-assessment of such tract or tracts of land may be made separately for the purpose of charging said land with its proper proportion of the costs of drainage. Such re-assessment shall be made by assessors appointed by the reclamation board, as provided by this act, and must be made and approved in the same manner as other assessments. The assessors appointed by the reclamation board must make a list of the charges assessed against each tract of land; and, if there be any error or mistake in the description of the land or in the name of the owner, or if any land which should be assessed has been, or shall be, omitted from the list, or if there is any error or mistake in any other respect, the Land omitted from list.
Correction of mistakes.

said assessors may amend or correct the same at any time before the filing of such list with the clerk of the board of supervisors as hereinbefore provided. Where payment is made in warrants of the district, legal interest must be computed thereon from the date thereof to the time of such payment, when said warrants must be surrendered to the county treasurer of the county of Yolo and by him canceled.

Payment
of war-
rants.

SEC. 8. The warrants drawn by the commissioners must be presented to the treasurer of the county of Yolo, and if they are not paid on presentation, such indorsement must be made thereon and they must be registered and bear interest from the date of such warrants at the rate of seven (7) per cent per annum and shall be payable in the order of their registration. Such warrants are, and shall be, considered as contracts in writing for the payment of money, and the period prescribed for the commencement of an action based upon the said warrants, or connected therewith, is, and shall be, the term of four (4) years from the date of their issuance. Any owner of land in the district may, at any time, pay any assessment thereon, excepting an assessment upon which bonds have been issued, or any part thereof, with warrants of the district. No warrant shall be paid or received on an assessment, except within four (4) years after the date of its issuance. The board of drainage commissioners and the county treasurer of Yolo county must cancel all warrants not paid within four (4) years after the date of issuance; *provided*, that any warrant not paid or received on assessment within four (4) years after date of the issuance may, before the expiration of such four (4) years, upon the demand of the owner or holder, be extended for a like period of four (4) years upon the presentation of the same to the board of commissioners of the district, such extension being indorsed thereon by the said board and a record thereof filed with the county treasurer of Yolo county. Said warrants may also thereafter be renewed from time to time in the same manner.

Cancell-
ation of
warrants.

In case an action or proceeding, based upon any warrant or connected therewith, be commenced within four (4) years from the date of issuance of such warrant and final judgment be obtained in favor of the owner or holder thereof, such warrant shall be paid or received on assessment in like manner as if it had been paid or received on assessment before the expiration of said four (4) years from the date of its issuance. In any proceedings for a writ of mandate to compel the board of drainage commissioners to issue a warrant, if a controversy arises as to the amount that may be due to the plaintiff, the court must determine the same in the manner provided for determining controversies in other civil actions and shall cause a writ to issue for such sum as may be found to be due. At any time after the issuance of a warrant the holder or owner thereof with the consent of the board of drainage commissioners may surrender the said warrant, and a new warrant for the face thereof and accrued interest thereon shall there-

Writ of
mandate.

upon be issued to the owner or holder in the same manner as the original warrant. Whenever there shall be sufficient moneys in the county treasury of Yolo county to the credit of said drainage district to pay any warrant or warrants which have been registered and drawing interest, the said county treasurer must give notice by a written notice posted in a conspicuous place in his office, stating therein that he is ready to pay such warrants. From and after the date of posting such notice, such warrants shall cease to draw interest.

Notice to
pay war-
warrants.

SEC. 9. Whenever in said Knight's Landing ridge drainage district any assessment has been levied and assessed upon the lands of said district, which remains unpaid in whole or in part, and where in the judgment and opinion of the board of drainage commissioners of said district it would be for the best interests of said district or the landowners therein to issue bonds for the purpose of obtaining money to pay the cost of drainage, the indebtedness of the district or any other legal charge, or when a petition signed by the owners of more than one half of the land in the district is filed with the secretary of the board, the board of drainage commissioners of said district shall by order entered upon the records of said board order a special election to be held at some place in said district to be designated by said board of drainage commissioners, at which said special election shall be submitted to the owners of land in said district the question of whether or not bonds of said district shall be issued in an amount equal to the amount of such indebtedness or the part of such assessment remaining unpaid, which said amount shall be entered by said board of drainage commissioners in its records and stated by them in the order for such special election. After the making of such order no part of the assessment or assessments so designated shall be paid until after said election shall have been held, and if the vote of said election shall be favorable to the issuance of such bonds, said assessment or assessments shall be paid or collected only when demanded for the purpose of redeeming said bonds. Notice of such special election must be given by said board of drainage commissioners by posting notices thereof in at least three public places in the district, at least twenty days prior thereto, and also by publication for the same length of time in some newspaper of general circulation published in each of said counties of Yolo and Colusa, and such notice must specify the time and place of holding such election, the amount of bonds proposed to be issued, and the names of three land holders of the district to act as a board of election. Affidavits of publication and posting of such notice must be filed with the secretary of said board of drainage commissioners. At such election each owner of lands in the district shall be entitled to vote in person or by proxy, and shall have the right to cast one vote for each dollar's worth of real estate owned by him in the district, the value thereof to be determined from the next preceding assessment roll of the county where the same is situated. The board of drainage commissioners shall, prior to the

Issuance
of bonds.

Election.

Notice of
election.

Who may
vote.

election, procure from the assessor of the said counties of Yolo and Colusa, respectively, a list certified by such assessors, respectively, containing a description of all the lands of the district situated in such county, the name of the person to whom such tract is assessed and the value thereof, as it appears from the last prior assessment roll of said counties, which said list shall be furnished to and be used by the said board of election in determining the number of votes each voter is entitled to cast. Executors, administrators, special administrators and guardians may cast the votes of the estates represented by them. Where a tract of land is situated partly within and partly without the boundaries of such district and the assessment roll contains a valuation of said tract of land as a whole, the same must be apportioned according to the number of acres lying within and without the boundaries of said district. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing duly acknowledged and certified in the same manner as grants of real property and filed with the board of election. The ballots cast at such election shall contain the words: "Bonds—Yes," or the words: "Bonds—No," and also the name of the person casting the ballot with the number of votes cast by him. A list of the ballots cast shall be made by the board of election, containing the name of the voter and, if the ballot be cast by proxy, the name of the person casting it, the number of votes cast and whether the same be cast for or against the issuing of the bonds.

Ballots.

When election board fails to attend.

Oath.

Canvass of votes.

If the persons, or any of them appointed and specified in the notice of election as the board of election fail to attend at the time and place appointed for the election, the voters present at the time for opening the polls may appoint any landowner of the district then present to fill the place of any absent member thereof. Each member of such board of election must, before entering upon his duties as such, take an official oath as such member of the board of election, which said oath may be administered by any officer authorized to administer oaths or by any landowner in the district. The polls shall be kept open for the reception of votes from ten o'clock a.m. until four o'clock p.m. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall forward a certificate, showing the same and the number of votes cast for and against the issuing of bonds, to the secretary of said board of drainage commissioners. Any person interested may contest such election within twenty days after the result thereof has been declared by filing a complaint in the superior court of the county of Yolo, and if no contest shall be commenced within said time, the declaration of the result by the board of election shall be final and conclusive.

Majority favors.

If a majority of the votes cast at such election are in favor of the issuance of bonds, the board of drainage commissioners of said district shall cause bonds in the amount stated in the

order for the election to be executed and delivered together with the assessment list, to the treasurer of the county of Yolo. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars; they shall be signed by the president of the board of drainage commissioners of said district and attested by the secretary of said board, and shall be numbered consecutively as sold, and bear date at the time of their execution, and shall bear interest at such rate as may be fixed by said board of drainage commissioners, but not to exceed the rate of seven per centum per annum, payable semi-annually on the first day of January and the first day of July in each year, at the office of said county treasurer of Yolo county upon the presentation of the proper coupons therefor. If any coupon shall not be paid when presented because there are no funds, said county treasurer shall indorse such coupon "not paid for want of funds," and thereafter the amount due on such coupon shall bear interest at the rate of six per centum per annum, compounded semi-annually. Coupons for each installment of interest shall be attached to said bonds and shall be numbered with the same number as the bonds, and attested by the facsimile signature of the secretary of said board. The principal of said bonds shall be payable at such times as said board of drainage commissioners may prescribe, which time must be expressed in said bonds; but not less than ten per centum of the whole amount of bonds issued, according to their consecutive numbers, shall be paid in ten years from the date of their issue, and no less than five per centum thereof each succeeding year thereafter until all are paid. All bonds must be made payable either on the first day of July or the first day of January. If any bond shall not be presented for payment when the same becomes due, it shall cease to draw interest, but, if presented at such time and not paid for want of funds, the said county treasurer shall so indorse it and thereafter such bond shall draw interest until paid at said rate therein provided, until funds shall have been provided for its payment, which bonds shall be substantially in the following form:

Denomina-
tion of
bonds.

Interest.

Coupons.

When
payable.

No.-----

Knight's Landing ridge drainage district, in the counties of Colusa and Yolo, State of California, for value received, promises to pay the holder hereof at the office of the treasurer of the county of Yolo, State of California, on the first day of -----, 19___, the sum of -----dollars, in gold coin of the United States with interest in like gold coin at the rate of -----per centum per annum, payable at the office of said treasurer semi-annually on the first days of January and July in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by authority of an act of the legislature of the State of California, approved -----, 1913, and found in chapter---- of the statutes of the State of California for the year 1913, and

Form of
bonds.

pursuant to an election held in said drainage district on the _____ day of _____, 19____, authorizing its issuance, and is based upon an assessment levied in said district and filed in the office of the county treasurer of said county on the _____ day of _____, 19____.

In testimony whereof, the said district, by its board of drainage commissioners, has caused this bond to be signed by the president of said board, and attested by the secretary of said board, this _____ day of _____, 19____.

President of said board.

Attest:

Secretary of said board.

And the interest coupons shall be in substantially the following form:

Form of
coupons.

“No. _____

The treasurer of the county of Yolo, State of California, will pay the holder hereof, on the _____ day of _____, 19____, at his office in the town of Woodland, county of Yolo, State of California, _____ dollars, gold coin, out of the funds of Knight's Landing ridge drainage district for interest on bond numbered _____ of said district.

Attest:

Secretary of the board of drainage commissioners
of Knight's Landing ridge drainage district.”

Sale of
bonds.

The treasurer of said county of Yolo shall place the bonds prepared pursuant to this act to the credit of said district and shall, when directed by the board of drainage commissioners of the district, sell any of said bonds for the best price obtainable therefor. Before making a sale of said bonds, notice shall be given by said county treasurer that he will sell a specified amount of said bonds, and stating the day, hour and place of such sale. Such notice shall state that sealed proposals will be received by him for the purchase of said bonds or any part thereof till the day and hour named in the notice. Such notice shall be given at least twenty days before such sale, by publication in a newspaper of general circulation published in the county of Yolo, and in such other newspaper or newspapers as the board of drainage commissioners may designate. At the time appointed said county treasurer and board of drainage commissioners shall open the bids and award the purchase of the bonds to the highest and best responsible bidder. Said board may reject any and all bids. In case no bid is received and accepted, as herein provided, or a sufficient amount of bonds shall not be sold to carry on the work of construction as contemplated, the board of drainage commissioners of said district may enter into and make contracts for constructing the drainage works of said district, payable in said bonds, at par, and may use such bonds in payment for labor or services performed

Notice.

Bids.

for, or materials or property furnished to, said district, for the purpose of constructing the drainage works thereof and the expenses necessarily incident thereto; and in making such payments in bonds, the board of drainage commissioners of said district may draw orders upon said county treasurer, payable in bonds, to the amount therein named, for such labor, materials or services so rendered, which order shall thereafter be paid with bonds at par by said county treasurer, upon presentation, to the amount therein provided for, if such bonds then remaining in the treasury be sufficient to pay the same. Any money derived from the sale of said bonds by said county treasurer shall be placed in the treasury of the county of Yolo to the credit of said district, and a proper record of such transaction shall be placed upon the books of said county treasurer. The board of drainage commissioners of said district may draw orders upon the said county treasurer to pay any legal charge against said district out of the funds provided by sale of said bonds, which orders must be paid by said county treasurer out of any money, excepting the bond redemption fund, then remaining in said treasury to the credit of said district, and no order upon the said county treasurer shall be issued by the board of drainage commissioners unless there are sufficient funds in said treasury to the credit of said district to pay said order. The principal of said bonds and the interest thereon shall be paid by revenue derived as follows: Ninety days before any sum or sums shall become due or payable on account of the principal or interest or both of said bonds, the board of drainage commissioners of the district shall direct that such installment of the assessment theretofore levied on the lands of said district and upon which the bonds were issued, as may be necessary to pay the same, shall be collected in the manner hereinabove provided and paid into the county treasury to the credit of the bond fund of said district. Should default be made in the payment of any such installment hereinbefore provided for, or any part thereof, the same shall be collected in the manner provided for by law, and the laws providing for the collection of reclamation assessments, or for installments thereof, are hereby made applicable to and available for the collection of the installments herein provided for. No part of the money collected upon the assessment or assessments, for which said bonds were issued, shall be used for any purpose other than the payment of the principal and interest of said bonds, and all sums received by the treasurer from said assessments shall be set apart as a separate fund to be known as the bond fund for the payment of said bonds and the interest thereon, such payments must be made upon the principal of said bonds in the order of their maturity.

Money
from sale
of bonds.

Principal
and interest
of
bonds.

All sums to be paid to the treasurer of any county, other than the treasurer of the county in which the greater part of said district is situated, shall immediately be paid by said treasurer to the treasurer of the county in which the greater part of the district is situated, who shall place the same to the

credit of the district, as hereinabove provided. Upon a sale of any of said bonds, said county treasurer is hereby authorized to accept valid outstanding warrants of such district, with the accrued interest thereon, in payment for said bonds. No county assessor, tax collector, auditor or clerk shall receive any fee for any service required to be performed by them under the provisions of this act. All expenses necessarily incurred in carrying out the provisions of this act shall be paid out of any funds in the county treasury, excepting the bond fund, to the credit of said district, upon the order of the board of drainage commissioners of said district. The bonds of said Knight's Landing ridge drainage district, issued pursuant to this act, may be lawfully purchased or received in pledge for loans by banks, trust companies, guardians, executors, administrators and special administrators, or by any public officer or officers of this state, or of any county, city, or city and county, or other municipal or corporate body within this state having or holding funds which they are allowed by law to invest or loan. If the assessment in said district, upon which bonds may have been issued, proves inadequate to provide funds to pay the principal and interest of said bonds in full, or if any deficiency arises, another assessment must be made upon the lands in such district sufficient to pay such deficiency and assessments must be made from time to time to meet any deficiency arising in the payment of such bonds. If the drainage commissioners deem it advisable, they may order a special election to be held prior to the making of an assessment, to determine whether or not bonds shall be issued for an amount to be stated in the order for such election, but no bonds shall, in such instance, be issued until an assessment for the amount of the bonds authorized at such election shall have been made and filed with the county treasurer. If the authority to issue bonds shall be determined at such special election held prior to making the assessment, the bonds may be issued for the amount of the assessment remaining unpaid after the lists are returned to the board of drainage commissioners by the county treasurers of the respective counties, or for any less sum. Should, at any time, the amounts realized from the sale of bonds be inadequate to pay the cost of the works required by the plans of drainage, then the said board of drainage commissioners may dispense with the further sale of bonds and proceed to collect the unpaid assessments in installments as hereinbefore provided in this act.

County officers to receive no fees.

Bonds may be purchased by banks.

Bonds for assessments.

Districts not interfered with.

Should reclamation board be abolished.

SEC. 10. Nothing in this act shall be construed to in any way authorize or empower said board of drainage commissioners to in any way interfere with the management or control of reclamation districts Nos. 108, 730 and 787, or any other reclamation districts situate within the boundaries of said district, or to supersede the powers of such districts.

SEC. 11. In case the reclamation board shall at any time be abolished by the repeal of the act creating the same, or in any other way, or in case said reclamation board shall for any

reason be unable to act under the powers and duties conferred and required of it by this act, all powers and duties vested in it by this act shall be vested in the board of drainage commissioners of said Knight's Landing ridge drainage district, except that as to the first election provided in section 3 hereof for five commissioners to be held forty days after this act goes into effect, the board of supervisors of Yolo county shall have jurisdiction and perform all acts and duties enjoined on said reclamation board.

SEC. 12. The board of drainage commissioners may, at any time after the issue of any bonds or the levy of any assessment herein provided for, bring an action in the superior court of the county of Yolo, to determine the validity of any such bonds of such levy of assessments; such action shall be in the nature of a proceeding *in rem*, and jurisdiction of all parties interested may be had by publication of summons at least once a week for three weeks in some newspaper of general circulation published in said county of Yolo, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Any one interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such bonds or assessments. Such action shall be speedily tried and judgment rendered declaring such matter so contested either valid or invalid. Either party may have the right to appeal to the supreme court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. If no such proceeding shall have been brought by the board of drainage commissioners, then, at any time within thirty days after the levy of any assessment or issue of bonds under the provisions of this act, any district assessment payer may bring an action in the superior court of the county of Yolo, to determine the validity of any such assessment or such bonds. The board of drainage commissioners shall be made parties defendant and service of summons shall be made on the members of the board personally. Said board shall have the right to appear and contest such action. Such action shall be speedily tried, with right of appeal to either party within the time and manner herein provided for the bringing of actions by the board of drainage commissioners to determine such matters. Such appeal shall be heard and determined in the manner and within the time therein provided. If more than one action shall be pending at the same time concerning similar contests in this act provided for, they shall be consolidated and tried together. The court hearing any of the contests herein provided for, in inquiring into the regularity, legality, or correctness of such proceedings, must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding.

Validity
of bonds.

The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of the notice of intention. The costs of any hearing, or contest herein provided for, may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court. No contest of any thing or matter herein provided shall be made other than within the time and manner herein specified.

SEC. 13. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 100.

An act creating a reclamation district to be called and known as "Reclamation District No. 1500;" providing for the management and control thereof and dissolving all levee districts, swamp land districts, and reclamation districts, lying wholly within the boundaries of said Reclamation District No. 1500, providing for the liquidation and winding up of said dissolved districts, and excluding from any levee district, swamp land district and reclamation district any land lying within the boundaries of said Reclamation District No. 1500..

[Approved April 30, 1913. In effect August 10, 1913.]

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

SECTION 1. A reclamation district is hereby created to be called and known as "Reclamation District No. 1500," and the boundaries of said reclamation district shall be as follows: Beginning at a point on the section line between sections thirteen (13) and twenty-four (24), township thirteen (13) north, range two (2) east, M. D. B. and M., said point being 700 feet west of the southeast corner of said section thirteen (13), thence south 51 degrees 20 minutes east 4144 feet, thence south 39 degrees 48 minutes east 19,574 feet, thence south 5 degrees 58 minutes east 11,332 feet to a point 580 feet east of the southwest (S.W.) corner of the northwest quarter (N.W. $\frac{1}{4}$) of section fifteen (15), township twelve (12) north, range three (3) east, M. D. B. and M., thence along a meander line parallel to and 5665 feet from the right bank of the Feather river to a point 200 feet east of the northeast (N.E.) corner of the southeast quarter (S.E. $\frac{1}{4}$) of section seventeen (17), township eleven (11) north, range three (3) east, M. D. B. and M., thence south 3 degrees 43 minutes east 4120 feet, thence south 13 degrees 37 minutes west 3025 feet, thence south 23 degrees 52 minutes west 2460 feet to a point which

Reclamation
District No.
1500.

Bound-
aries.

bears west 70 feet from the northwest (N.W.) corner of the southeast quarter (S.E. $\frac{1}{4}$) of the northeast quarter of section twenty-nine (29), township eleven (11) north, range three (3) east, M. D. B. and M., thence south 34 degrees 52 minutes west 2354 feet to a point on the left bank of the Sacramento river at Kinney's bend, thence south 34 degrees 52 minutes west to a point on the left bank of the Sacramento river at Wild Irishman bend, thence following the meanderings of the left bank of the Sacramento river up-stream to the south line of section twenty-six (26), township fourteen (14) north, range one (1) east, M. D. B. and M., thence east to the southeast (S.E.) corner of section twenty-five (25), township fourteen (14) north, range one (1) east, M. D. B. and M., thence east to a point on the section line between sections twenty-seven (27) and thirty-four (34), township fourteen (14) north, range two (2) east, M. D. B. and M., said point being 3875 feet west of the southeast corner of said section twenty-seven (27), thence south 14 degrees 2 minutes east 13,080 feet, thence south 51 degrees 20 minutes east, 13,605 feet more or less to the point of beginning. The purpose for which the said district is created is to reclaim the lands situated within the boundaries thereof, or such part thereof as may be deemed necessary by the board of trustees thereof, and for this purpose the board of trustees thereof shall adopt plans, as in its judgment it may deem best, for the reclamation of said lands, or such part thereof as it deems desirable. It shall be the duty of said reclamation district No. 1500 to construct a levee, forming the south side of Tisdale by-pass, and a portion of the westerly side of the Sutter basin by-pass, the center line of which levee shall be substantially along the following lines; the same having been approved by the state reclamation board March 31st, 1913: Beginning at a point eighty feet (80) from the left bank of the Sacramento river in section thirty-five (35), township fourteen (14) north, range one (1) east, M. D. B. and M., said point being at the intersection of the center lines of the proposed Sacramento river levee and the existing south Tisdale weir levee and approximately two hundred (200) feet south of the south end of Tisdale weir, thence in a north-easterly direction along the center line of the existing south Tisdale weir levee to a point two hundred and forty (240) feet south of the south line of section twenty-five (25), township fourteen (14) north, range one (1) east, M. D. B. and M., and approximately one thousand two hundred (1200) feet east of the southwest (S.W.) corner of said section twenty-five (25), thence east on a line parallel to and two hundred and forty (240) feet south of the section line between sections twenty-five (25) and thirty-six (36), township fourteen (14) north, range one (1) east, and between sections thirty (30) and thirty-one (31), twenty-nine (29) and thirty-two (32), twenty-eight (28) and thirty-three (33), twenty-seven (27) and thirty-four (34), township fourteen (14) north, range two (2) east, M. D. B. and M. to a point two

Bound-
aries.

hundred and forty (240) feet south of a point on said section line, which said point on said section line is 4123 feet west of the southeast corner of said section twenty-seven (27), township fourteen (14) north, range two (2) east, M. D. B. and M., thence south fourteen (14) degrees two (2) minutes east twelve thousand nine hundred (12,900) feet, thence south fifty-one (51) degrees twenty (20) minutes east, thirteen thousand two hundred (13,200) feet to a point on the section line between sections thirteen (13) and twenty-four (24), township thirteen (13) north, range two (2) east, M. D. B. and M., said point being west one thousand and ten (1010) feet from the southeast (S.E.) corner of section thirteen (13), township thirteen (13) north, range two (2) east, M. D. B. and M., thence south fifty-one (51) degrees twenty (20) minutes east four thousand eight hundred (4800) feet, thence south (S.) thirty-nine (39) degrees forty-eight (48) minutes east (E.) nineteen thousand three hundred (19,300) feet, thence south (S.) four (4) degrees twenty (20) minutes east eleven thousand one hundred (11,100) feet to a point two hundred (200) feet east (E.) of the southwest (S.W.) corner of the northwest quarter (N.W. $\frac{1}{4}$) of section fifteen (15), township twelve (12) north, range three (3) east, M. D. B. and M., thence along a meander line parallel to and approximately six thousand (6000) feet from the right bank of the Feather river to a point fifty (50) feet west of the northeast (N.E.) corner of the southeast quarter (S.E. $\frac{1}{4}$) of section seventeen (17) township eleven (11) north, range three (3) east (E.), M. D. B. and M., thence south (S.) three (3) degrees forty-three (43) minutes east (E.) four thousand and thirty (4030) feet, thence south (S.) thirteen (13) degrees thirty-seven (37) minutes west (W.) three thousand (3000) feet, thence south (S.) twenty-three (23) degrees fifty-two (52) minutes west (W.) two thousand five hundred and thirty (2530) feet to a point which bears west (W.) three hundred (300) feet from the northwest (N.W.) corner of the southeast quarter of the northeast quarter (S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$) of section twenty-nine (29), township eleven (11) north, range three (3) east M. D. B. and M., thence south (S.) forty (40) degrees eight (8) minutes west (W.) two thousand five hundred (2500) feet to a point four hundred and ten (410) feet from the left bank of the Sacramento river at Kinney's bend, thence south thirty-four (34) degrees fifty-two (52) minutes west (W.) to a point eighty (80) feet from the left bank of the Sacramento river at Wild Irishman bend; the line of said levee to be located on the ground by the state department of engineering, and it shall be the duty of said reclamation district No. 1500 to continue the construction of a levee along the left bank of the Sacramento river, or adjacent thereto, from the said Wild Irishman bend, up-stream, to the place of beginning. It shall also be the duty of said reclamation district No. 1500 to construct a levee through levee district No. 1, forming a portion of the easterly side of the Sutter basin by-

pass, the said levee beginning at the southeast corner of the southwest quarter of section two (2), township thirteen (13) north, range two (2) east, M. D. B. and M., and extending thence south 51 degrees 20 minutes east sixteen thousand nine hundred four (16,904) feet to the southeast corner of section eighteen (18), township thirteen (13) north, range three (3) east, M. D. B. and M., and when said last mentioned levee shall have been constructed, it shall be the duty of said reclamation district No. 1500 to remove those portions of the existing levee of levee district No. 1, lying between the last named levee and the easterly levee of said reclamation district No. 1500, and full power and authority are hereby conferred upon said reclamation district No. 1500 to do any and all of said acts. No part of the land which may lie outside of any of said levees mentioned in this act, nor any portion thereof, nor any easement, nor right of way therein, or thereover, or in connection therewith, shall be deemed dedicated to the public use.

SEC. 2. The management and control of said reclamation district No. 1500 is hereby made subject to the provisions of article I of chapter I of title VIII of part III of the Political Code of the State of California relating to swamp and overflowed lands and reclamation districts, or any amendments or additions thereto, except as otherwise provided in this act, the management and control of said reclamation district No. 1500 shall be vested in five trustees, who shall hold office for a term of four years and until their successors are elected and qualified. F. W. Kiesel, Edward H. Gerber, Charles F. Silva, P. J. Hiatt and A. T. Spencer are hereby appointed trustees for the said reclamation district to act until their successors are elected and qualified. An election of five trustees shall be held in said district on the third Tuesday in October, 1917, and on the third Tuesday in October every four years thereafter, and the term of office shall be four years and until their successors are elected and qualified. In case of any vacancy in the office of trustee of said district, the governor of the state shall appoint a qualified person as trustee, who shall hold said office for the portion of said unexpired term. The office of said district shall be in the city of Sacramento and in such place as the board of trustees thereof may from time to time fix. The board of supervisors of the county of Sutter shall have jurisdiction of all matters concerning said district to the same extent as if the said district was formed under the provisions of the said Political Code of the State of California, except as otherwise provided in this act. All funds of said district shall be deposited in the county treasury of said county of Sutter and shall be disbursed by the treasurer of said county in payment of the warrants of said district. Said district shall have power to make by-laws in conformity with the provisions of law, and shall have all the rights and powers, which are now, or may hereafter be, conferred by the provisions of the Political Code, or by other laws of the State of California upon reclamation or swamp land districts, and shall also have

Boundaries.

Control.

Trustees.

Vacancy.

Funds.

Powers.

the right and power of purchasing real and personal property and rights of way within the boundaries of said district, or outside thereof, as may be necessary or desirable to carry out the purposes of said district, or to acquire the same by condemnation proceedings in the manner provided by law, and shall also have the right and power to join with other reclamation districts, levee districts or swamp land districts or other persons in the construction and maintenance of levees and reclamation works, and to contract for the same, and also to do all other acts and things that may be incident to or necessary to the reclamation of the lands of said district, as the board of trustees thereof may determine. All of the provisions of the Political Code of the State of California, unless inconsistent with the provisions of this act, are made a part of this act, and shall be deemed to be incorporated herein. The said reclamation district hereby created shall have the power, in addition to the power hereby conferred, to do all other acts or things that any reclamation district or swamp land district within the State of California has power to do under any existing law or any law hereafter enacted.

Districts
dissolved.

SEC. 3. All reclamation districts, levee districts or swamp land districts wholly situated within the boundaries of said reclamation district are hereby dissolved, except for the purpose of liquidation and the disposition of its property, and for this purpose only the existence of said districts are continued. Any land situated within the boundaries of reclamation district No. 1500 that is situated within any reclamation district, levee district or swamp land district, is hereby excluded from any such reclamation district, levee district or swamp land district, but such lands so excluded shall be liable for the just proportion of the indebtedness of such reclamation district, levee district or swamp land district to be ascertained in accordance with the provisions of law. Each of the said reclamation districts, swamp land districts or levee districts that is dissolved by the provisions of this act shall pay all legal outstanding indebtedness that each may respectively owe, and may cause the assessments or taxes to be levied and collected therefor, as may be authorized by law. Any reclamation district, levee district or swamp land district mentioned in this section shall have the right to grant and sell to the said reclamation district No. 1500 any levees, reclamation works, rights of way, easements or other property owned or controlled by any such reclamation district or levee district or swamp land district, and the said reclamation district No. 1500 is authorized and empowered to purchase the same or any part thereof; *provided*, that nothing in this act shall be construed to take away any power from the state reclamation board; *and provided further*, that the lines of levee described in this act shall not be changed, except by the legislature, but shall remain as herein provided.

Levees.

SEC. 4. The said reclamation district No. 1500 shall have the right to construct levees or any of its works of reclamation, either within or without the boundaries of the reclamation dis-

trict, for the purpose of promoting the reclamation of the lands within said district. Any land outside of the said reclamation district may be incorporated within said reclamation district upon the written consent of the owners of such land and of the board of trustees of said reclamation district, filed and recorded in the office of the county recorder of the county of Sutter, State of California, and thereupon the said lands shall be deemed incorporated within the boundaries of the said reclamation district to all intents and purposes, as if the same was originally included therein.

SEC. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 101.

An act to amend an act entitled "An act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records, approved June 16, 1906, as amended by an act approved March 6, 1909, as amended by an act approved February 3, 1911," so as to repeal section 18 thereof relating to the time within which actions may be commenced.

[In effect August 10, 1913.]

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

SECTION 1. Section 18 of an act entitled "An act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records, approved June 16, 1906, as amended by an act approved March 6, 1909, as amended by an act approved February 3, 1911." is hereby repealed, it being the intention of the legislature of the State of California to remove the limit of time within which actions may be commenced under the provisions of this act. Section 18
repealed.

[Became a law, under constitutional provision, without Governor's approval, May 9, 1913.]

CHAPTER 102.

An act appropriating money for the development and extension of the water system at the California Polytechnic School.

[Approved May 5, 1913. In effect immediately.]

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

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the development and extension of the water system at the California Polytechnic School. Appropriation:
water
system.

SEC. 2. This act inasmuch as it provides for an appro-

Current
expenses.

provision for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the Constitution of the State of California, take effect immediately.

CHAPTER 103.

An act making an appropriation to pay the expenses of the state banking department.

[Approved May 6, 1913. In effect immediately.]

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

Appropriation:
state
banking
fund.

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury belonging to the state banking fund, not otherwise appropriated, to pay the expenses of the state banking department for the fiscal year ending June 30, 1913. The sum hereby appropriated is in addition to the amount permitted to be expended in the conduct of the business of the state banking department under the provisions of section 121 of that certain act of the legislature entitled "An act to define and regulate the business of banking" approved March 1, 1909.

Current
expenses.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV, of the constitution, take effect immediately.

CHAPTER 104.

An act to amend that certain act of the legislature of the State of California, entitled "An act to define and regulate the business of banking," approved March 1, 1909, designated the "bank act," as amended February 6, 1911, April 21, 1911, December 18, 1911, and December 24, 1911, by amending sections 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 12a, 14, 15, 19, 20, 21, 22, 23, 24, 25, 27, 28, 31, 32, 34, 35, 37, 41, 42, 43, 44, 47, 48, 49, 50, 60, 61, 64, 65, 66, 67, 68, 80, 82, 83, 84, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 101, 102, 103, 105, 106, 121, 123, 124, 127, 128, 130, 131, 133, 134, 136, 137, 138, 139, and 145 thereof and by repealing sections 13, 18, 33, 100, 104 and 113 thereof and by adding new sections thereto to be numbered sections 12b, 12c, 21a, 31a, 54, 55, 56, 61a, 107, 130a, 135a, 136a and 136b and by repealing section 135 thereof and adding a new section thereto to be numbered section 135, all relating to the definition and regulation of the business of banking.

[Approved May 6, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one of an act entitled "An Act to define

and regulate the business of banking," approved March 1, 1909, is hereby amended to read as follows:

Section 1. This act shall be known as the "bank act," and shall be applicable to all corporations specified in the next section. "Bank act."

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

Section 2. The word "bank" as used in this act shall be construed to mean any incorporated banking institution which shall have been incorporated to conduct the business of receiving money on deposit, or transacting a trust business as hereinafter defined. The soliciting, receiving or accepting of money or its equivalent on deposit as a regular business shall be deemed to be doing a commercial or savings bank business whether such deposit is made subject to check or is evidenced by a certificate of deposit, a pass book, a note, a receipt or other writing; *provided*, that nothing herein shall apply to or include money or its equivalent left in escrow or left with an agent, pending investment in real estate or securities for or on account of his principal. It shall be unlawful for any corporation, partnership, firm or individual to engage in or transact a banking business within this state except by means of a corporation duly organized for such purpose. Banks are divided into the following classes: "Bank" defined.

- (a) Savings banks;
- (b) Commercial banks; and
- (c) Trust companies.

Sec. 3. Section three of said act is hereby amended to read as follows:

Section 3. Corporations may be formed by any number of natural persons, not less in any case than three, under the laws of this state to conduct, as provided in this act, and not otherwise, any one or more or all of the businesses mentioned in divisions (a), (b), and (c) of section two, of this act. Formation of corporations.

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

Section 6. The term "trust company," when used in this act, means any corporation which is incorporated under the laws of this state for the purpose of conducting the business of acting as executor, administrator, guardian of estates, assignee, receiver, depository or trustee under appointment of any court or by authority of any law of this state, or as trustee for any purpose permitted by law. "Trust company" defined.

Sec. 5. Section seven of said act is hereby amended to read as follows:

Section 7. No foreign corporation shall transact a banking business in this state without first complying with all the requirements of the laws of this state relative to banks as defined in this act, and without having assigned to its business in this state the amount of paid-up capital and surplus required by this act for the transaction of such business within this state. No foreign banking corporation shall transact business in this Foreign corporations.

Capital
and de-
posits kept
separate.

Loans.

Income
as profits.

Attorney.

state until such corporation has made the assignment of capital required by this section and has received a certificate from the state superintendent of banks. Any foreign banking corporation transacting business in this state shall become subject to the supervision of the state superintendent of banks. Every foreign banking corporation, including those which were on January second, nineteen hundred thirteen, transacting business in this state, which receives any deposits or transacts any other banking business or transacts its business in such a manner as might lead the public to believe that its business is that of a bank, shall conduct all its business in accordance with the statutes governing incorporated banking institutions organized under the laws of this state. The capital of any such foreign banking corporation assigned to its business in this state and all funds and deposits of money received by any such corporation in this state or for or in connection with its business in this state and all accounts and transactions of said business transacted by any such foreign corporation in this state shall be kept separate and apart from the general business, assets and accounts of such foreign corporation in the same manner as if the business of such foreign corporation conducted within this state was that of a separate and independent corporation organized under the laws of this state for the purpose of doing a banking business and all of the provisions of this act affecting investments, loans of money, receiving deposits and conducting business in any respect shall be deemed to apply to such assigned capital, investments, loans, deposits, assets, funds and business in the same manner as if such assigned capital, investments, loans, deposits, assets, funds and business were that of such separate and independent corporation; *provided*, that loans may be made by any such foreign corporation based on its entire paid-up capital and surplus in case such foreign corporation shall have assigned to its business in this state a paid-up capital and surplus as above provided equal to twenty per centum of the deposit liability of such branch agency or office to residents of this state. Such funds and investments or loans thereof shall be appropriated solely to the security and payment of such deposits, and shall not be mingled with the investments of the capital stock or other money or property belonging to such corporation or be liable for the debts or obligations thereof. All income received from the investment of said funds over and above such funds as may be paid to depositors as interest or shall be carried to the surplus fund, as provided in section twenty-one of this act, shall accrue as profits to the corporation and may be transferred to its general funds. No such foreign corporation shall transact any banking business in this state until it has executed and filed with the superintendent of banks a written instrument appointing such superintendent or his successor in office, its true and lawful attorney, upon whom all process issued by authority of or under any law of this state may be served, with the same effect as if such corporation was formed under the

laws of this state and had been lawfully served with process therein. Such service upon such attorney shall be deemed personal service on such corporation. The superintendent of banks shall forthwith forward by mail, postage prepaid, a copy of every process served upon him under the provisions of this section, addressed to the manager or agent of such corporation, at its principal place of business in this state. For each copy of process, the superintendent of banks shall collect the sum of two dollars, which shall be paid by the plaintiff or moving party at the time of the service, to be recovered by him as a part of his taxable costs if he succeed in the suit or proceeding. No foreign corporation shall have or exercise in this state the power to receive deposits of trust moneys, securities or other personal property from any person or corporation or any of the powers specified in section six of this act, nor have or maintain an office in this state for the transaction of, or transact, directly or indirectly, any such or similar business, except that a trust company incorporated in another state may be appointed and may accept appointment and may act in this state as executor of or trustee under the last will and testament of any deceased person, upon giving the bond required in such cases of individuals unless waived by the last will and testament making such appointment and by taking and subscribing an oath for faithful performance of such trust by the president, vice-president, secretary, manager or trust officer of said corporation; *provided*, that similar corporations organized under the laws of this state are permitted by law to act as such executor or trustee in the state where such foreign corporation was organized; *and provided, further*, that such superintendent of banks, for the time being, shall be the attorney of such foreign corporation qualifying or acting in this state as such executor or trustee, upon whom process against such foreign corporation may be served in any action or legal proceeding against such executor or trustee, affecting or relating to the estate or property represented or held by such executor or trustee, or any act or default of such foreign corporation in reference to such estate or property, and it shall be the duty of any such foreign corporation so qualifying or acting to file in the office of said superintendent of banks a copy of its articles of incorporation, or of the statute chartering such corporation, certified by its secretary under its corporate seal, together with the post office address of its home office, and a duly executed appointment of said superintendent of banks as its attorney to accept service of process as above provided, and said superintendent of banks, when any such process is served upon him, shall at once mail the papers so served to the home office of such corporation; *and provided, further*, that no foreign corporation having authority to act as executor of or trustee under the last will and testament of any deceased person shall establish or maintain, directly or indirectly, any branch office or agency in this state, or shall in any way solicit, directly or indirectly, any business as executor or trustee therein, and that for any violation of

Service of
Process.

Trust com-
pany as
executor.

Attorney.

Branch
office
prohibited.

May lend money. this proviso, the court having jurisdiction of such executor or trustee in said proceeding may in its discretion, revoke the right of such foreign corporation thereafter to act as executor or trustee therein; *provided*, that nothing in this act shall limit or affect the right of any foreign corporation doing a banking business in this state, to lend within this state, moneys of such corporation which do not form a part of the moneys, deposits or assets of such corporation assigned or belonging to its business in this state.

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

Copy of articles of incorporation. Affidavit. Section 8. Every corporation, at the time it applies for a certificate of authority to do a banking business, must file with the superintendent of banks a certified copy of its articles of incorporation, or of the statute chartering such corporation, a certified copy of its by-laws, and also a certified copy of all instruments amending or altering such articles of incorporation or charter or by-laws. Thereafter a certified copy of each amendment or certificate shall likewise be so filed before such instrument takes effect. There must also be filed in the office of the superintendent of banks before he shall issue his certificate a certified copy of the affidavit required by section two hundred ninety *a* of the Civil Code. Each certification required by the provisions of this section other than that of by-laws must be by the secretary of state.

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

Opening of branch office. Capital. Fee. Savings banks in schools. Section 9. No bank in this state, or any officer or director thereof, shall hereafter open or keep an office other than its principal place of business, without first having obtained the written approval of the superintendent of banks to the opening of such branch office, which written approval may be given or withheld in his discretion, and shall not be given by him until he has ascertained to his satisfaction that the public convenience and advantage will be promoted by the opening of such branch office; *provided*, that no bank or any officer or director thereof, shall open or maintain any such branch office unless the capital of such bank, actually paid in, in cash, shall exceed the amount required by this act by the sum of twenty-five thousand dollars for each branch office opened and maintained. Every bank, before it opens a branch office, shall obtain the certificate of authority of the superintendent of banks for the opening of each of said branch offices. The applicant shall pay for such certificate a fee of fifty dollars; *provided, however*, that, in order to encourage saving among the children of the schools of this state, a bank may, with the written consent of and under regulations approved by the superintendent of banks and, in the case of public schools, by the board of education or board of school trustees of the city or district in which the school is situated, arrange for the collection of savings from the school children by the principal or teachers of such schools or by collectors. The principal,

teacher or person authorized by the bank to make collections from the school children shall be deemed to be the agent of the bank and the bank shall be liable to the pupil for all deposits made with such principal, teacher or other person, the same as if the deposits were made by the pupil directly with the bank. Every bank and every such officer or director violating the provisions of this section shall forfeit to the people of the state the sum of one hundred dollars for every day during which any branch office hereafter opened shall be maintained without such written approval. Penalty.

SEC. 8. Section ten of said act is hereby amended to read as follows:

Section 10. No person shall be eligible for election as director of a bank having a capital stock unless he is a stockholder of the bank, owning, in his own right, shares thereof of the par value of at least five hundred dollars; and every person elected to be director who, after such election, shall cease to be the owner in his own right of the amount of such stock aforesaid, or shall hypothecate or in any way pledge such stock as security for any loan or debt shall immediately notify the superintendent of banks in writing of such sale or hypothecation and such director may be removed from the office of director by the superintendent of banks. If a bank be organized without capital stock, no person shall be eligible as a director thereof unless he is both a member and a depositor of such bank. Directors.

SEC. 9. Section eleven of said act is hereby amended to read as follows:

Section 11. The board of directors of a bank must hold a meeting at least once a month. Each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such bank, and will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to such bank, and that he is the owner in good faith and in his own right of shares of stock of the par value required by section ten of this act, subscribed by him or standing in his name on the books of the bank, and that the same to an amount equal to the par value of at least five hundred dollars, are not hypothecated or in any way pledged as security for any loan or debt. Such oath shall be subscribed by the director making it, certified by the officer before whom it is taken, and immediately transmitted to the superintendent of banks and filed and preserved in his office. Meetings.
Oath of directors.

SEC. 10. Section twelve of said act is hereby amended to read as follows:

Section 12. No person, firm, company, copartnership or corporation, either domestic or foreign, not subject to the supervision of the superintendent of banks, and not required, by the provisions of this act, to report to him, and which has not received a certificate to do a banking business from the superintendent of banks, shall advertise that he or it is Advertis-
ing as
bank.

receiving or accepting money or savings, and issuing notes or certificates of deposit therefor, or shall make use of any office sign, at the place where such business is transacted, having thereon any artificial or corporate name, or other words indicating that such place or office is the place or office of a bank or trust company, or that deposits are received there or payments made on check, or any other form of banking business transacted, nor shall any such person or persons, firm, company, copartnership or corporation, domestic or foreign, make use of or circulate any letterheads, billheads, blank notes, blank receipts, certificates or circulars, or any written or printed, or partly written and partly printed, paper, whatever, having thereon any artificial or corporate name or other word or words indicating that such business is the business of a bank, savings bank or trust company; nor shall any such person, firm, company, copartnership or corporation, or any agent of a foreign corporation not having an established place of business in this state, solicit or receive deposits or transact business in the way or manner of a bank, savings bank or trust company, or in such a way or manner as to lead the public to believe that its business is that of a bank, savings bank or trust company. Nor shall any person, firm, company, copartnership or corporation, domestic or foreign, not subject to the supervision of the superintendent of banks, and not required by the provisions of this act to report to him, and which has not received from the superintendent of banks a certificate to do a banking business, hereafter transact business under any name or title which contains the word "bank," or "banker," or "banking," or "savings bank," or "savings" or "trust" or "trustee" or "trust company"; *provided*, that this section shall not apply to the corporate name of any building and loan association now or heretofore doing business in this state; *and provided, further*, that any such association having in its corporate name words not clearly indicating the nature of its business shall, on all signs, letterheads and advertising matter, state "This is a building and loan association" or words to that effect; *and provided, further*, that any building and loan association may borrow money, issue investment certificates or evidences of indebtedness, stating the rate of interest and terms and conditions of repayment, and do such other business as may be authorized by the laws of the state relating to building and loan associations; *and provided, further*, that no such association shall advertise or hold itself out to the public as a savings bank. Any person, firm, company, copartnership or corporation, domestic or foreign, violating any provision of this section shall forfeit to the state one hundred dollars a day for every day or part thereof during which such violation continues. Upon action brought by the superintendent of banks the court may issue an injunction restraining any such person, firm, company, copartnership or corporation from further using such words in violation of the provisions of this section

Use of
word
"bank."

Not ap-
plicable
to build-
ing and
loan
associa-
tions.

Penalty.

Injun-
ction.

or from further transacting business in such a way or manner as to lead the public to believe that its business is that of a bank, savings bank or trust company during the pendency of such action and for all time and may make such other order or decree as equity and justice may require.

SEC. 11. Section twelve^a of said act is hereby amended to read as follows:

Section 12^a. Every person, firm, company, copartnership or corporation, domestic or foreign, advertising that he or it is receiving or accepting money or savings, and issuing notes or certificates of deposit therefor, or advertising that he or it is transacting the business of a bank, savings bank or trust company, or making use of any office sign at the place where such business is transacted, having thereon any artificial or corporate name, or other words indicating that such place or office is the place or office of a bank or trust company, or that deposits are received there or payments made on check, or that interest is paid on deposits, or that certificates of deposit, either with or without interest are being issued, or that any other form of banking business is transacted, and every person, firm, company, copartnership or corporation, domestic or foreign, making use of or circulating any letterheads, billheads, blank notes, blank receipts, certificates or circulars, or any written or printed, or partly written and partly printed, paper, whatever, having thereon any artificial or corporate name, or advertising that such business is the business of a bank, savings bank or trust company, must have the proper capital stock paid in and set aside for the purpose of transacting such business, and must have received from the superintendent of banks, as provided for in this act, a certificate to do a banking business. Pre-requisites to advertising as bank.

Any person, firm, company, copartnership or corporation, domestic or foreign, violating any provision of this section shall forfeit to the state one hundred dollars a day for every day or part thereof during which such violation continues. Upon action brought by the superintendent of banks the court may issue an injunction restraining any such person, firm, company, copartnership or corporation from further violating any provision of this section, and may make such further order or decree as equity and justice may require. Every person, firm, company, copartnership or corporation doing any of the things or transacting any of the business defined in this section, must transact such business according to the provisions of the bank act, and the superintendent of banks or his deputy or examiners shall have authority to examine the accounts, books and papers of every such person, firm, company, copartnership or corporation, domestic or foreign, in order to ascertain whether such person, firm, company, copartnership or corporation has violated or is violating any provisions of this section; *provided*, that this section shall not apply to the corporate name of any building and loan association now or heretofore doing business in this state; *and provided, further*, that any such association having in its corporate

Penalty.

Injunction.

Examination of books.

Not applicable to building and loan associations.

name words not clearly indicating the nature of its business shall, on all signs, letterheads and advertising matter, state: "This is a building and loan association" or words to that effect; *and provided, further*, that any building and loan association may borrow money, issue investment certificates or evidences of indebtedness, stating the rate of interest and terms and conditions of repayment, and do such other business as may be authorized by the laws of the state relating to building and loan associations; *and provided, further*, that no such association shall advertise or hold itself out to the public as a savings bank.

SEC. 12. A new section is hereby added to said act, to be numbered twelve b, and to read as follows:

Not applicable to life insurance companies.

Section 12b. Nothing in this act shall be construed or held to apply to any corporation organized under the laws of any other state which is authorized by its charter or articles of incorporation to transact the business of life insurance and also to be known as and to transact business as a trust company and which shall have complied with the laws of this state affecting the transaction in this state of the business of life insurance by a foreign corporation and which shall have heretofore engaged in such business of life insurance in this state, in such manner as to forbid or prevent its making use of its corporate title in its life insurance business in this state in any such way and to any such extent as it might have made use of the same if this act had not been passed.

SEC. 13. A new section is hereby added to said act, to be numbered twelve c, and to read as follows:

Foreign corporations may lend money in state.

Section 12c. Any corporation organized under the laws of any country or state other than this state which has complied with all of the laws of this state pertaining to foreign corporations and is not engaged in the business of banking or receiving money on deposit in this state may lend money in this state and, for that purpose, may maintain offices in this state, and sue and be sued in this state under its proper corporate name, notwithstanding any prohibitions contained in this act as to the use of any words in the name, signs or advertising matter of corporations not under the supervision of the superintendent of banks.

Repealed.

SEC. 14. Section thirteen of said act is hereby repealed.

SEC. 15. Section fourteen of said act is hereby amended to read as follows:

Advertising capital, resources, liabilities, etc.

Section 14. No bank, or officer thereof, shall advertise in any manner, or publish any statement of the capital authorized or subscribed, unless it or he advertise and publish in connection therewith the amount of capital actually paid up. No bank shall publish a statement of its resources or liabilities in connection with those of any other bank, unless such statement shall show the resources and liabilities of each bank separately; nor shall surplus and undivided profits be advertised as an aggregate.

SEC. 16. Section fifteen of said act is hereby amended to read as follows:

Section 15. All amounts of money heretofore or hereafter deposited with any bank to the credit of depositors who have not made a deposit on said account or withdrawn any part thereof or the interest and which shall have remained unclaimed for more than twenty years after the date of such deposit, or withdrawal of any part of principal or interest, and for which no claimant is known or the depositor cannot be found, shall, with the increase and proceeds thereof, be deposited with the state treasurer in the same manner and subject to the same distribution as provided for in section one thousand two hundred thirty-four of the Code of Civil Procedure. The president or managing officer of every bank must, within fifteen days after the first day of January of every year, return to the superintendent of banks a sworn statement showing the names of depositors known to be dead, or who have not made further deposits, or withdrawn any moneys during the preceding twenty years and at the same time it shall be the duty of the president or managing officer of every bank to furnish to the state controller a list of the names of all depositors to whom said moneys belong or to whom said bank owes the same. Such statement shall show in detail the following matters, viz:

Deposits unclaimed for 20 years.

First—The name and last known place of residence or post office address of the person making such deposit;

Statement to controller.

Second—The amount and date of such deposit and whether the same are in moneys or securities, and if the latter, the nature of the same;

Third—The interest due on such deposit, if any, and the amount thereof;

Fourth—The sum total of such deposit, together with the interest added thereto due from such bank on account of such deposit or deposits and interest thereon to such depositor, but nothing contained herein shall require any corporation or person renting lock boxes or safes in vaults for storage purposes to open or report concerning property stored therein. Such report itemized as aforesaid shall be signed by the person making the same and shall be sworn to before a person competent to administer oaths as a full, complete and truthful statement of each of the items therein contained. The president or managing officer of every bank must, within fifteen days after the first day of January of every odd numbered year, return to the superintendent of banks a sworn statement showing the names of depositors known to be dead, or who have not made further deposits, or withdrawn any moneys during the preceding ten years. Such statements shall show the amount of the account, the depositor's last known place of residence or post office address, and the fact of death, if known to such president or managing officer. Such president or managing officer must give notice of these deposits in one or more newspapers published in or nearest to the town or city where such bank has its principal place of business, at least once a

Deposits unclaimed for 10 years.

Published notice.

week for four consecutive weeks, the cost of such publication to be paid pro rata out of such unclaimed deposits. This section does not apply to any deposit made by or in the name of a person known to the president or managing officer to be living, or which, with the accumulation thereon, is less than fifty dollars. The superintendent of banks must incorporate in his subsequent report such returns made to him as provided in this section. If any president or managing officer of any bank neglects or refuses to make the sworn statement required by this section such bank shall forfeit to the State of California the sum of one hundred dollars a day for each day such default shall continue. Any president or managing officer of any bank who violates any of the provisions of this section shall forfeit to the State of California the sum of one hundred dollars a day for each and every day such violation shall continue. For the purposes of this section all deposits received by any bank under the provisions of section thirty-one or section thirty-one *a* of this act shall be deemed to have been deposited with such bank at the time the deposit was made with the bank from which the deposit was transferred; *provided*, that any bank which shall make any deposit with the state treasurer in conformity with the provisions of this section shall not thereafter be liable to any person for the same and any action which may be brought by any person against any bank for moneys so deposited with the state treasurer shall be defended by the attorney general without cost to such bank.

Penalty.

Repealed.

SEC. 17. Section eighteen of said act is hereby repealed.

SEC. 18. Section nineteen of said act is hereby amended to read as follows:

Capital and deposit liabilities.

Section 19. The aggregate of paid-up capital together with the surplus, of every commercial bank, must equal ten per centum of its deposit liabilities; such deposit liabilities shall not be increased when such proportion of paid-up capital and surplus is wanting, and in no event shall said paid-up capital be less than the minimum paid-up capital provided by this act; *provided, however*, that the aggregate of paid-up capital and surplus of every savings bank having a capital stock, and the reserve fund of every savings bank without a capital stock, must equal the following percentages of its deposit liabilities:

Of savings banks.

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

(b) Seven and one half per centum of any amount in excess of two million dollars up to and including five million dollars.

(c) Five per centum of any amount in excess of five million dollars up to and including fifteen million dollars.

(d) Two and one half per centum of any amount in excess of fifteen million dollars up to and including forty million dollars.

(e) One per centum of any amount in excess of forty million dollars.

The deposits shall not be increased if such proportion of paid-up capital and surplus or reserve fund to deposit liabilities is not maintained.

SEC. 19. Section twenty of said act is hereby amended to read as follows:

Section 20. Every commercial bank receiving deposits as a depository bank of other banks shall have at all times as its lawful money reserve an amount equal to twenty per centum of the aggregate amount of its deposits. Two fifths of such reserve shall be in its own keeping in lawful money of the United States, or gold certificates or silver certificates of the United States. The remaining three fifths thereof may consist of moneys on deposit subject to call with any bank or banks in this state other than a savings bank; or one half of such three fifths or any less portion thereof may consist of moneys on deposit subject to call with any bank or banks in the cities of New York, Chicago or St. Louis, other than a savings bank, and the balance of such three fifths, of moneys on deposit subject to call with any bank or banks in this state other than a savings bank. Every commercial bank not receiving deposits as a depository bank of other banks shall have at all times as its lawful money reserve, an amount equal to fifteen per centum of the aggregate amount of its deposits. Two fifths of such reserve shall be in its own keeping in lawful money of the United States, or gold certificates or silver certificates of the United States. The remaining three fifths thereof may consist of moneys on deposit subject to call with any bank or banks in this state other than a savings bank; or, one half of such three fifths or any less portion thereof may consist of moneys on deposit subject to call with any bank or banks in the cities of New York, Chicago or St. Louis, other than a savings bank, and the balance of such three fifths, of moneys on deposit subject to call with any bank or banks in this state other than a savings bank. If the lawful money reserve of any bank shall be less than the amount required by this section, such bank shall not increase its liabilities by making any new loans or discounts, otherwise than by discounting bills of exchange on sight, or by paying any dividends from profits until the full amount of its lawful money reserve has been restored. The superintendent of banks may notify any bank whose lawful money reserve shall be below the amount herein required, to restore such reserve; and, if it shall fail for thirty days thereafter to restore such lawful money reserve, such bank shall be deemed insolvent and may be proceeded against under the provisions of this act; *provided*, that all deposits of money herein permitted or required shall comply with the provisions of section forty-three of this act.

Reserve of depository banks.

Reserve of other banks.

When reserve falls below requirement.

SEC. 20. Section twenty-one of said act is hereby amended to read as follows:

Section 21. The directors of any bank having a capital stock may, at certain times, and in such manner as its by-laws prescribe, declare and pay dividends to depositors and stockholders of so much of the profits of the bank, and of the interest arising from the capital, surplus and deposits, as may be appropriated for that purpose under its by-laws

Dividends.

or under its agreements with depositors, but every such bank shall, before the declaration of any such dividend, carry at least one tenth part of the net profits of the stockholders for the preceding half year, or for such period as is covered by the dividend, to its surplus, until such surplus shall amount to twenty-five per centum of its paid-up capital stock. The whole or any part of such surplus, if held as the exclusive property of the stockholders, may at any time be converted into paid in capital, in which event such surplus shall be restored in the manner above provided until it amounts to twenty-five per centum of the aggregate paid-up capital stock. Subject to the provisions of section nineteen of this act, any losses sustained by any such bank in excess of its undivided profits may be charged to and paid from its surplus, in which event such surplus shall be restored in the manner above provided, to the amount required by law; *provided, however*, that any bank which has invested any portion of its surplus in its bank premises, furniture and fixtures, vaults, or safe deposit vaults and boxes necessary or proper to carry on its banking business shall not be permitted to charge any loss to that portion of its surplus so invested. A larger surplus may be created and nothing herein contained shall be construed as prohibitory thereof. The capital and assets of any such bank are a security to depositors and stockholders, depositors having the priority of security over stockholders.

Surplus.

Charging
loss to
surplus.Deposit-
ors' prior
claim.

Sec. 21. A new section is hereby added to said act, to be numbered twenty-one *a*, and to read as follows:

Prefer-
ence to
depositors.

Section 21a. No bank, banker, or bank officer, shall give preference to any depositor or creditor by pledging the assets of the bank as collateral security, except as otherwise authorized by law; *provided*, that any commercial bank, or commercial department of a departmental bank, may borrow money for temporary purposes, and may pledge assets of said commercial bank, or commercial department of said departmental bank, not exceeding fifty per centum in excess of the amount borrowed, as collateral security therefor; *provided*, that any public moneys, or postal savings moneys, deposited with any such bank under any provision of law, shall not be construed as "borrowed money" within the meaning of this section. No bank shall at any time, without permission of the superintendent of banks, borrow an amount exceeding the amount of its paid-up capital stock and surplus at such time actually paid in and remaining undiminished by losses or otherwise. No bank shall make partial payments upon any certificate of deposit. In no case shall an overdraft of more than ninety days standing be allowed as an asset of any bank. Any debt due to any commercial bank, on which interest is past due and unpaid for the period of one year, unless the same is well secured, and is in process of collection, shall be considered a bad debt and shall be charged off to the profit and loss account at the expiration of that time.

Public
moneys
not "bor-
rowed
money."Overdraft
as asset.

Bad debt.

SEC. 22. Section twenty-two of said act is hereby amended to read as follows:

Section 22. Any corporation authorized by its articles of incorporation so to do, may combine the business of a commercial bank and savings bank and trust company, or any one or more or all of them; *provided*, that no corporation authorized to transact a trust business and which is also organized to engage in the business of title insurance, shall engage in or combine the business of a commercial bank or savings bank.

Commercial savings and trust combination.

SEC. 23. Section twenty-three of said act is hereby amended to read as follows:

Section 23. When a bank desires to do a departmental business, it shall first obtain the consent of the superintendent of banks, and in its application therefor, file a statement making a segregation of its capital and surplus for each department. Such capital and surplus, when so apportioned and approved by the superintendent of banks, shall be considered and treated as the separate capital and surplus of such department as if each department was a separate bank. Thereafter a bank may, from time to time, with the previous consent and approval of the superintendent of banks and subject to the provisions of section nineteen of this act, change any segregation and apportionment of capital and surplus previously made and make a new segregation and apportionment of its capital and surplus. Every bank hereafter organized doing a departmental business shall have paid up, in cash, capital stock as follows:

Consent to do departmental business.

Capital stock.

(a) In any locality in which the population does not exceed five thousand persons, not less than twenty-five thousand dollars if it transacts both a commercial and savings business, or not less than one hundred twenty-five thousand dollars, if it transacts both a commercial and trust business, or not less than one hundred twenty-five thousand dollars if it transacts both a savings and trust business and not less than one hundred twenty-five thousand dollars if it transacts a commercial, savings and trust business.

Place of 5,000 persons.

(b) In any city in which the population is more than five thousand persons, but does not exceed twenty-five thousand persons, not less than fifty thousand dollars if it transacts both a commercial and savings business, or not less than one hundred fifty thousand dollars if it transacts both a commercial and trust business, or not less than one hundred fifty thousand dollars if it transacts both a savings and trust business, and not less than one hundred fifty thousand dollars if it transacts a commercial, savings and trust business.

More than 5,000 persons.

(c) In any city in which the population is more than twenty-five thousand persons but does not exceed one hundred thousand persons, not less than one hundred thousand dollars, if it transacts both a commercial and savings business, or not less than two hundred thousand dollars if it transacts both a commercial and trust business, or not less than two hundred thousand dollars if it transacts both a savings and trust business, and not less than two hundred thousand dollars if it transacts a commercial, savings and trust business.

More than 25,000 persons.

More than
100,000
persons.

(d) In any city in which the population is more than one hundred thousand persons but does not exceed two hundred thousand persons, not less than two hundred thousand dollars, if it transacts both a commercial and savings business, or not less than four hundred thousand dollars if it transacts both a commercial and trust business, or not less than four hundred thousand dollars if it transacts both a savings and trust business, and not less than four hundred thousand dollars if it transacts a commercial, savings and trust business.

More than
200,000
persons.

(e) In any city in which the population exceeds two hundred thousand persons, not less than three hundred thousand dollars if it transacts both a commercial and savings business, or not less than five hundred thousand dollars if it transacts both a commercial and trust business, or not less than five hundred thousand dollars if it transacts both a savings and trust business, and not less than five hundred thousand dollars if it transacts a commercial, savings and trust business.

Not appli-
cable to
existing
banks.

The foregoing classification shall not apply to any bank already in existence which has received from the superintendent of banks a certificate to do a banking business; nor to any bank the location of which shall have been included by annexation or consolidation within the limits of a city of a class requiring a larger capitalization, but no bank thus excepted shall be permitted to establish any new branch office as provided in section nine of this act or to remove its place of business from the original limits of the city or township wherein it was located prior to such annexation or consolidation until it shall have the capital required of banks in such city not within said exception. Such excepted banks may not in any case decrease their capital stock but may increase the same in the manner provided by law to an amount either greater or less than that required of banks in such city not within said exception. The capital stock referred to herein shall be increased from time to time and to the same extent as provided for in section nineteen of this act. For the purposes of this act, the population shown and determined by the last preceding federal census, or any subsequent census compiled and certified under any law of this state, shall be deemed to be the population of any city in which any such bank is to be organized. If the principal place of business of any bank so organized is located outside of the corporate limits of any city, then the population of that portion of the judicial township in which said bank is to have its principal place of business, which is not included within the boundaries of any municipal corporation, as such population is shown and determined by such federal or subsequent official census, shall be the basis for classification under the provisions of this act.

May not
increase
capital.

Census.

SEC. 24. Section twenty-four of said act is hereby amended to read as follows:

Opening
new de-
partment.

Section 24. Every bank, before it commences to do business or before it opens a new department and commences to transact business in or under such new department, shall obtain the

certificate of the superintendent of banks for the opening of each of the departments specified. Each certificate herein provided for shall be given when the superintendent shall, by the examination required by this act, have satisfied himself that the proper amount of cash has been paid in as capital and the provisions of this act complied with. The applicant shall pay ^{Fee.} for the certificate for each department a fee of fifty dollars.

SEC. 25. Section twenty-five of said act is hereby amended to read as follows:

Section 25. Every bank shall maintain for each department a lawful money reserve equal in amount to that required by this act for the respective business conducted, and shall keep separate and distinct the lawful money reserve of any department from that of any other department; and all deposits made with other banks, whether temporary or otherwise, shall be assets of the respective departments by which they were made, and shall be so carried on the books of such other banks, and shall be repaid only upon the order of the department to whose credit they stand. No department shall receive deposits of any other department of the same corporation; except that a trust department may make deposits of trust or any other funds under its control with the commercial or savings department of the same corporation; *provided, however,* that any bank having departments shall have the right to sell and transfer any bonds, securities or loans from one department to another upon receipt of the actual value thereof, if such bonds, securities or loans are, under the provisions of this act, a legal investment for the department purchasing the same.

Department reserve and deposits.

SEC. 26. Section twenty-seven of said act is hereby amended to read as follows:

Section 27. All money and assets belonging to each department, whether on hand or with other banks, and the investments made, shall be held solely for the repayment of the depositors and other claimants of each such department, as herein provided, until all depositors and other claimants of each such department shall have been paid, and the overplus then remaining shall be applied to any other liabilities of such bank.

Assets to repay department depositors.

SEC. 27. Section twenty-eight of said act is hereby amended to read as follows:

Section 28. Every bank in this state must, on all its window signs and in advertising, and on letterheads and other stationery on which its business is transacted, use the word "savings" if it conducts a savings business, or the word "trust" if it conducts a trust business, and the word "commercial" if it conducts a commercial business.

Window signs, etc.

SEC. 28. Section thirty-one of said act is hereby amended to read as follows:

Section 31. Any bank may sell the whole of its business or the whole of the business of any of its departments to any other bank which may purchase such business after obtaining the consent of the stockholders of the selling and of the purchasing banks holding of record at least two thirds of the

Sale of business.

issued capital stock of each of such corporations; such consent to be expressed either in writing executed and acknowledged by such stockholders and attached to the instrument of sale, or to a copy thereof, or by vote at a stockholders' meeting of each of such banks called for that purpose. The selling and purchasing banks must for such purposes enter into an agreement of sale and purchase, which agreement shall contain all the terms and conditions connected with such sale and purchase. Such agreement shall contain proper provision for the payment of liabilities of the selling bank or of the department sold, and in this particular shall be subject to the approval of the superintendent of banks; and shall not be valid until such approval is obtained. Such agreement may contain provisions for the transfer of all deposits to the purchasing bank, subject, however, to the right of every depositor of the selling bank to withdraw his deposit in full on demand after such transfer, irrespective of the terms under which it was deposited with the selling bank. The rights of creditors of the selling bank shall not in any manner be impaired by any such sale, nor shall any liability or obligation for the payment of any money due or to become due, or any claim or demand, in any manner, or for any cause existing against such selling bank or against any stockholder thereof, be in any manner released or impaired, and all the rights, obligations and relations of all the parties, creditors, depositors, trustees and beneficiaries of trusts shall remain unimpaired by the sale, but such bank to which the other shall sell all its business or all the business of any of its departments, shall succeed to all such relations, obligations, trusts and liabilities and be held liable to pay and discharge all such debts and liabilities and to perform all such trusts of the selling bank in the same manner as if such bank to which the other had sold had itself incurred the obligation or liability or assumed the relation of trust, and the stockholders of the respective corporations so entering into such agreement shall continue subject to all the liabilities, claims and demands existing against them as such at or before such sale. Immediately after the execution of such agreement of sale and purchase notice thereof shall be published for at least four successive weeks in a newspaper in each of the counties of the state in which either of such banks shall have its principal place of business; *provided, however*, that no action can be brought against such selling bank or any of its stockholders on account of any deposits so transferred after the expiration of one year from the last day of publication herein required. An affidavit showing such publication shall be filed in the office of the superintendent of banks within ten days after the last publication thereof. The affairs of such selling bank, or selling department of a bank, shall remain subject to the provisions of this act.

Condi-
tions of
sale
stated.

Rights of
creditors.

Publi-
cation of
notice.

SEC. 29. A new section is hereby added to said act, to be numbered thirty-one *a*, and to read as follows:

Section 31*a*. Any bank incorporated under the laws of this

state may consolidate with one or more banks incorporated under the laws of this state, its capital stock, properties, trusts, claims, demands, contracts, agreements, obligations, debts, liabilities and assets of every kind and description, upon such terms and in such manner as may be agreed upon by their respective boards of directors, a copy of which agreement must be filed in the office of the superintendent of banks; *provided*, that such agreement shall be subject to the approval of the superintendent of banks and shall not be valid until such approval be obtained; *provided, further*, that no such consolidation shall take effect until such agreement shall have been ratified and confirmed in writing by the stockholders of the respective banks holding of record at least two thirds of the issued capital stock of their respective banks, or such agreement may be submitted to the stockholders of each of such corporations at a meeting thereof to be called upon notice specifying the time, place and object thereof, addressed to each stockholder at his last known post office address and deposited in the post office, postage prepaid, at least two weeks prior to the date fixed for said meeting, and published for at least two successive weeks, prior to the date of said meeting, in a newspaper in each of the counties of the state in which any of such banks shall have its principal place of business, and if such agreement shall be approved at each of such meetings of the respective stockholders separately by the vote or ballot of the stockholders owning at least two thirds of the stock of each such bank, the same shall be the agreement of such banks. In case of such consolidation "articles of incorporation and consolidation" must be prepared, setting forth:

Consolidation of banks.

Ratification by stockholders.

Publication of notice.

Articles of incorporation and consolidation.

First—The name of the new corporation;

Second—The purpose for which it is formed;

Third—The place where its principal business is to be transacted;

Fourth—The term for which it is to exist, which shall not exceed fifty years;

Fifth—The number of its directors (which shall not be less than three) and the names and residences of the persons appointed to act as such until their successors are elected and qualified;

Sixth—The amount of its capital stock and the number of shares into which it is divided;

Seventh—The amount of stock actually subscribed, and by whom;

Eighth—The names of the constituent corporations.

Said articles of incorporation and consolidation must be signed and countersigned by the president and secretary of each constituent corporation and sealed with their corporate seals. There must be annexed thereto the approval of the superintendent of banks and memoranda of the ratification and confirmation thereof by the stockholders of each constituent corporation, which must be respectively signed and acknowledged by stockholders representing at least two thirds

By whom signed.

Copies
filed with
county
clerk.

of the capital stock of their respective corporations. When completed as aforesaid said articles must be filed in the office of the county clerk of the county in which is located the principal place of business of the new corporation, and a copy of the articles of incorporation and consolidation certified by such county clerk must be filed in the office of the secretary of state, and a copy of the articles of incorporation and consolidation certified by said secretary of state must be filed in the office of the superintendent of banks, and also in the office of the county clerk of any county in which were filed the original articles of incorporation of either of the constituent corporations, and thereupon each constituent corporation named therein must be deemed and held to have become extinct in all courts and places, and said new corporation must be deemed and held in all courts and places to have succeeded to all their several capital stocks, properties, trusts, claims, demands, contracts, agreements, assets, choses and rights in action of every kind and description, both at law and in equity, and to be entitled to possess, enjoy, and enforce the same and every thereof, as fully and completely as either and every of its constituents might have done had no consolidation taken place. Said consolidated or new corporation must also, in all courts and places, be deemed and held to have become subrogated to its several constituents and each thereof, in respect to all their contracts and agreements with other parties, and all their debts, obligations, and liabilities, of every kind and nature, to any persons, corporations, or bodies politic, whomsoever, or whatsoever, and said new corporation must sue and be sued in its own name in any and every case in which any or either of its constituents might have sued or might have been sued at law or in equity had no such consolidation been made. Nothing in this section contained shall be construed to impair the obligation of any contract to which any of such constituents were parties at the date of such consolidation. All such contracts may be enforced by action or suit, as the case may be, against the consolidated corporation, and satisfaction obtained out of the property which, at the date of the consolidation, belonged to the constituent which was a party to the contract in action or suit, as well as out of any other property belonging to the consolidated corporation, and the stockholders of each constituent corporation so entering into such agreement shall continue subject to all the liabilities, claims and demands existing against them at or before such consolidation to the same extent as if the same had not been made. The right of said new corporation to increase or decrease its capital stock, to change the number of its directors, to amend its articles of incorporation, to change its principal place of business, or its name, or to effect any other organic change shall be governed by the general corporation laws of this state and by the bank act, and the procedure to effect any such change shall be that defined by the general corporation laws and the bank act.

Obligations not
impaired.

Right to
increase
stock.

SEC. 30. Section thirty-two of said act is hereby amended to read as follows:

Section 32. Any bank receiving trust funds in accordance with the provisions of this act relating to trust companies must not mingle such trust funds with the other assets of the corporation, except as otherwise provided in section twenty-five of this act, and such funds shall not be carried or counted as any part of the lawful money reserve provided for in this act. The officers of any bank who knowingly violate or consent to the violation of this provision shall be guilty of a felony.

Not to mingle trust funds.

SEC. 31. Section thirty-three of said act is hereby repealed.

Repealed.

SEC. 32. Section thirty-four of said act is hereby amended to read as follows:

Section 34. No bank shall purchase or invest its capital or surplus or money of its depositors, or any part of either, in shares of its own capital stock; nor loan its capital or surplus or the money of its depositors, or any part of either, on shares of its own capital stock, unless such purchase or loan shall be necessary to prevent loss to such bank on debts previously contracted in good faith. Every person or corporation violating any provision of this section shall forfeit to the people of the state twice the nominal amount of such stock.

Not to invest in own stock.

Penalty.

SEC. 33. Section thirty-five of said act is hereby amended to read as follows:

Section 35. No director, or officer, or employee, or controlling stockholder of any bank shall, directly or indirectly, for his own account, for himself, or as the partner or agent of others, sell or transfer, or cause to be sold or transferred to the bank of which he is a director, officer, employee, or controlling stockholder, any note or bond secured by any mortgage or trust deed on real estate or any contract arising from the sale of real estate in which such director, or officer, or employee, or controlling stockholder is personally or financially interested, without the consent in writing of the superintendent of banks. Any director, or officer, or employee, or controlling stockholder of any bank who knowingly violates or consents to the violation of this provision shall be guilty of a felony.

Officer not to sell notes to bank.

Penalty.

SEC. 34. Section thirty-seven of said act is hereby amended to read as follows:

Section 37. No bank shall purchase or invest its capital or surplus or money of its depositors, or any part of either, in the capital stock of any corporation unless the purchase or acquisition of such capital stock shall be necessary to prevent loss to the bank on a debt previously contracted in good faith. Any capital stock so purchased or acquired shall be sold by such bank within six months thereafter if it can be sold for the amount of the claim of such bank against it; and all capital stock thus purchased or acquired must be sold for the best price obtainable by said bank within one year after such pur-

Not to invest in own stock.

Penalty. chase or acquisition. Every person or corporation violating any provision of this section shall forfeit to the people of the state twice the nominal amount of such stock.

SEC. 35. Section forty-one of said act is hereby amended to read as follows:

Officer not to purchase obligation at discount.

Section 41. No officer, director, agent, or other employee of any bank shall directly or indirectly, for his own personal benefit, purchase, or be interested in the purchase of any obligation of said bank for a less sum than shall appear upon the face of such obligation to be the value thereof. Every person violating any provision of this section, shall for each offense forfeit to the people of the state, three times the face value of any such obligation so purchased.

SEC. 36. Section forty-two of said act is hereby amended to read as follows:

Officer not to purchase assets at discount.

Section 42. No officer, director, agent or other employee of any bank, shall directly or indirectly, for his own personal benefit, purchase, or be interested in the purchase of any of the assets of said bank for a less sum than the current market value thereof. Every person violating any provision of this section, shall for each offense, forfeit to the people of the state, twice the nominal amount of any such assets so purchased.

SEC. 37. Section forty-three of said act is hereby amended to read as follows:

Deposit of funds in another bank.

Section 43. No bank shall deposit any of its funds in any other bank unless such other bank has been designated as a depository for its funds by the vote of a majority of the directors or trustees of the bank making the deposit, exclusive of the vote of any director who is an officer, director, or trustee of the depository so designated; *provided, however*, that any bank may designate any other bank its depository by vote of a majority of its directors, including the vote of any director or trustee who is an officer, director or trustee of the depository so designated, if such bank has secured the previous approval of the superintendent of banks, which approval he may at any time revoke for proper cause.

SEC. 38. Section forty-four of said act is hereby amended to read as follows:

Loan on stock of another bank.

Section 44. No bank shall hereafter make a loan secured by the stock of another bank, if by making such loan the total stock of such other bank held by such loaning bank as collateral will exceed in the aggregate twenty-five per centum of the capital stock of such other bank; *provided*, that no loan upon the capital stock of any bank shall be made unless such bank has been in existence at least two years and has earned and paid a dividend upon its capital stock; *and provided, further*, that no bank may loan more than five per centum of its assets upon the capital stock of any corporation whatsoever as collateral security.

SEC. 39. Section forty-seven of said act is hereby amended to read as follows:

Section 47. No commercial bank shall, except for the pur-

pose of facilitating the sale of property owned by the bank Loan on real estate.
 make any loan on the security of real estate, unless it is a first lien and is either

(1) Made for a period of time not exceeding six months and upon security worth fifteen per centum more than the market value of the real estate taken as security; or

(2) Made for a period of time exceeding six months and not exceeding ten years and does not exceed sixty per centum of the market value of the real estate taken as security.

No commercial bank shall loan in the aggregate more than Limit on real estate loan.
 thirty-five per centum of its assets on real estate loans of the character specified in subdivision two of this section. These provisions, however, shall not prevent any bank from taking another and immediately subsequent mortgage or deed of trust thereon when it already holds a first mortgage or deed of trust on such real estate, nor from accepting a second lien on real estate to secure the repayment of a debt previously contracted in good faith; nor shall it prevent subsequent liens of any kind from being taken to secure the payment of a debt previously contracted in good faith when, in the judgment of the directors of such bank, such subsequent liens are necessary further to secure the payment of any debts and save such bank from loss.

SEC. 40. Section forty-eight of said act is hereby amended to read as follows:

Section 48. Any national bank in this state receiving the Examination of national banks.
 deposits of any bank organized and conducting business under this act, must, at the request of the superintendent of banks, submit to an examination by him, or his duly appointed examiners, should the superintendent of banks in his discretion deem it necessary or desirable that such examination be made: and the expense of such examination shall be paid by such national bank; and if any such national bank shall refuse to permit such examination to be made by, or under the direction of the superintendent of banks, then the superintendent of banks shall notify in writing every bank depositing its funds with such national bank, to withdraw its deposits therefrom, and all such banks shall comply with such order.

SEC. 41. Section forty-nine of said act is hereby amended to read as follows:

Section 49. It shall not be lawful for any commercial bank, Commercial bank not to advertise as savings bank.
 individual, trust company, association, firm, stock company, copartnership or corporation, to advertise or put forth a sign as a savings bank, either directly or indirectly or in any way to solicit or receive deposits or to transact business in the way or manner of a savings bank, or advertise that he or it is receiving or accepting savings, or in any way which might lead the public to believe that such deposits are received or invested under the same conditions or in the same manner as deposits in savings banks, except in the case of savings banks or banks having savings departments, subject to the provisions of this act. Any commercial bank, individual, trust company, Penalty.

association, firm, stock company, copartnership or corporation, violating any provision of this section shall forfeit to this state one hundred dollars a day for every day during which such violation continues.

SEC. 42. Section fifty of said act is hereby amended to read as follows:

Posting
certificate.

Section 50. Every bank shall post in a conspicuous place in its banking room or branch office the last certificate obtained from the superintendent of banks under the provisions of either section nine or one hundred twenty-seven of this act.

SEC. 43. A new section is hereby added to said act, to be numbered fifty-four and to read as follows:

Real
estate to
be sold
within
five years.

Section 54. All real estate purchased by any bank at sales under pledges, mortgages or deeds of trust for its benefit for money loaned and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon and all other real estate owned or held by it, which is not necessary for carrying on its business, must be sold by such bank within five years after title thereto shall have vested in it by purchase or otherwise. Parcels of such real estate not sold within said time may be purchased by any person wanting the same upon the conditions and proceedings following: The intending purchaser may file a petition in the superior court in and for the county wherein said real estate or any portion thereof is situated; upon the filing of such petition a citation shall be issued out of said court directed to the bank owning such real estate requiring such bank to show cause on a day certain which shall be not earlier than ten days after the service of such citation, why commissioners should not be appointed by said court for the purpose of appraising the value of the real estate described in the petition and of selling the same at public auction under the provisions of this section. If there shall be any liens or encumbrances of record against such real estate the person or persons holding such liens or encumbrances shall likewise be cited and the court shall in its final decree distribute the proceeds of such sale, if a sale thereof shall be made, according to the equities of the parties. If it shall appear at the hearing of such petition that the real estate therein sought to be purchased is held by such bank in violation of the provisions of this section or of the constitution of this state, the court shall appoint three commissioners to appraise the value thereof and sell the same at public auction at the county seat of the county wherein said real estate or any part thereof is located. Notice of which said sale shall be given to the bank owning said real estate and to any other persons interested therein as shown by the records of such county at least ten days before the date of such sale and shall be published once a week for three successive weeks in some newspaper published in the county where such real estate or any part thereof may be located or if no newspaper shall be published in such county then in a newspaper published in some neighboring county. Such notice shall state the time and

Appraisal
of value.

Notice of
sale.

place of such sale and shall describe the real estate to be sold with common certainty and state the value thereof as fixed by the appraisement of such commissioners and state that no bid less than such appraised value will be received therefor. No sale shall be made for an amount less than the appraised value of such real estate fixed by said commissioners and in the event that no bid is received at such sale at least equal to said appraised value of said real estate no intending purchaser can institute the proceedings provided for in this section within one year thereafter. In case of any sale made under the provisions of this section and of the refusal of any bank owning such real estate or of any lienholder or encumbrancer to execute the conveyances or releases necessary or proper to vest the title of such bank, lienholder or encumbrancer in the purchaser thereof the court shall have power in such proceedings to direct said commissioners to execute such deeds, conveyances or releases upon the payment to them of the purchase price therefor. The fees of such commissioners and cost of sale shall be fixed by the court, upon making such appointment but the entire expense thereof shall not exceed one hundred dollars. The cost of any such proceedings shall be borne by the intending purchaser if no sale shall be made but if a sale shall be made the costs of such proceedings shall be borne by the purchaser of the property and the person who filed the petition and advanced the costs of such proceedings shall be reimbursed in case he shall not become such purchaser. All sales hereunder shall be returned to the court having jurisdiction of the matter in the same manner as in the case of sales, by commissioners, of real estate on foreclosure of mortgages. Nothing in this section contained shall be deemed to affect the power of the superintendent of banks to require the writing down of the value of real estate held by any bank, at any time, when such writing down shall be proper.

Minimum price.

Fees and cost.

SEC. 44. A new section is hereby added to said act, to be numbered fifty-five and to read as follows:

Section 55. Receiving deposits, issuing certificates of deposit, checks and bills of exchange, and the like, in the transaction of the ordinary business of a bank, must not be construed to be the creation of debt within the meaning of the phrase "create debt" in section three hundred nine of the Civil Code, nor of indebtedness within the meaning of the phrase "the capital stock cannot be diminished to an amount less than the indebtedness of the corporation" in section three hundred fifty-nine of the Civil Code, except that no bank shall reduce its capital stock to an amount less than is required by this act to be maintained by such bank, or less than any indebtedness of such bank other than such deposits.

Receiving deposits not creation of debt.

The terms "real estate," or "real property," or "personal property," when used in this act shall have the meaning defined in, and shall be construed in accordance with the provisions of title I of part I of division second of the Civil Code.

"Real estate" defined.

SEC. 45. A new section is hereby added to said act, to be numbered fifty-six, and to read as follows:

National
reserve
association.

Section 56. Any bank organized and existing under the laws of this state is hereby authorized and empowered to join or associate itself with any "national reserve association of the United States" or branch thereof, or any plan now or hereafter created or established by act of congress whether such banking or currency association or plan be created by congress under the above or any other name. Nothing in this act shall prohibit any such bank from joining or associating itself with any such association or plan or branch thereof nor from investing any part of its capital or surplus in the stock of such association, plan or branch thereof in accordance with the terms and provisions of such act of congress; *provided, however*, that such investment shall in no case exceed the minimum amount required to join or associate itself with such association, plan or branch thereof. Any bank joining or associating itself with such association, plan or branch thereof, shall be permitted to conform to and transact its business in accordance with the terms and provisions of such act of congress creating the same and the rules and regulations of such association, plan or branch thereof, anything in this act to the contrary notwithstanding.

SEC. 46. Section sixty of said act is hereby amended to read as follows:

Capital
stock of
savings
banks.

Section 60. Every savings bank hereafter organized must have paid up in cash a capital stock of not less than

(a) Twenty-five thousand dollars if its principal place of business is located in any locality the population of which does not exceed five thousand persons;

(b) Fifty thousand dollars if its principal place of business is located in any city the population of which is more than five thousand persons, but does not exceed twenty-five thousand persons;

(c) One hundred thousand dollars if its principal place of business is located in any city the population of which is more than twenty-five thousand persons but does not exceed one hundred thousand persons;

(d) Two hundred thousand dollars if its principal place of business is located in any city the population of which is more than one hundred thousand persons but does not exceed two hundred thousand persons;

(e) Three hundred thousand dollars if its principal place of business is located in any city the population of which is more than two hundred thousand persons.

Without
capital
stock.

Excepting that any savings bank organized without capital stock must have a reserve fund of at least one million dollars. Until the capital stock or reserve fund hereinbefore required shall be actually paid in, the superintendent of banks shall refuse to issue the certificate required by this act. The foregoing classification shall not apply to any savings bank already in existence which has received its certificate to do a banking

business from the superintendent of banks; nor to any bank the location of which shall have been included by annexation or consolidation within the limits of a city of a class requiring a larger capitalization, but no bank thus excepted shall be permitted to establish any new branch office as provided in section nine of this act or to remove its place of business from the original limits of the city or township wherein it was located prior to such annexation or consolidation until it shall have the capital required of banks in such city not within said exception. Such excepted banks may not in any case decrease their capital stock but may increase the same in the manner provided by law to an amount either greater or less than that required of banks in such city not within said exception; *provided*, that nothing herein shall be construed to affect the provisions of section nineteen of this act relative to the proportion of capital and surplus to deposits or of section twenty-three of this act relative to the capital stock required of banks doing a departmental business. The provisions of section twenty-three of this act, as to population, shall apply to any bank organized under the provisions of this section.

Without capital stock.

SEC. 47. Section sixty-one of said act is hereby amended to read as follows:

Section 61. Any savings bank may purchase, hold and convey real or personal property as follows:

Property savings banks may purchase.

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

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

Mortgaged property.

3. Such as may have been purchased at any sales under pledge, mortgage or deed of trust made for its benefit for money so loaned and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon. No savings bank shall purchase, own, or sell personal property, except such as may be requisite for its immediate accommodation for the convenient transaction of its business, notes or bonds secured by trust deeds or mortgages on real estate, bonds, securities or evidences of indebtedness, public or private, gold or silver bullion and United States mint certificates of ascertained value, and evidences of debt issued by the United States. No savings bank shall purchase, own, hold or convey bonds, securities or evidences of indebtedness, public or private, except as follows:

(a) Bonds or interest-bearing notes or obligations of the Bonds.

Bonds. United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest;

(b) Bonds of this state, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest;

(c) Bonds of any state in the United States that has not, within five years previous to making such investment by such bank, defaulted in the payment of any part of either principal or interest;

Sewer,
etc.,
bonds.

Limita-
tion.

(d) Bonds of any county, city and county, city or school district of this state; bonds of any permanent road division in any county issued in pursuance of the provisions of article IX, chapter II, title VI, part III of the Political Code; bonds of any sewer district, drainage district, reclamation district, protection district, or sanitary district organized under the laws of this state; and any irrigation district bonds which the law may now or hereafter authorize to be used as security for the deposit of public moneys; *provided*, that the total amount of bonds so issued by any such sewer district, drainage district, protection district, or sanitary district, does not exceed fifteen per centum of the value of the taxable property in said district as shown by the last equalized assessment roll of the county in which said district is located; *and provided, further*, that the total amount of bonds issued by any such irrigation district does not exceed sixty per centum of the aggregate market value of the lands within such district, and of the water, water rights, canals, reservoirs, reservoir sites and irrigation works owned or to be acquired or constructed with the proceeds of any of such bonds, by said district, such facts in reference to bonds of irrigation districts to be determined by a commission now or hereafter authorized by law to ascertain and report upon such facts.

County
and city
bonds of
other
states.

(e) Bonds of any county, city and county, city or town, in any state of the United States other than the State of California, issued under authority of any law of such state, which county, city and county, city or town, had, as shown by the federal or state census next preceding such investment, a population of more than twenty thousand inhabitants; *provided, however*, that the entire bonded indebtedness of such county, city and county, city or town, including such issue of bonds does not exceed fifteen per centum of the value of the taxable property therein as shown by its last equalized assessment roll; *and provided, further*, that such county, city and county, city or town, or the state in which it is located has not defaulted in payment of either principal or interest due upon any legally authorized bond issue within five years next preceding such investment.

Railroad
bonds.

(f) (1) Bonds of any railroad corporation incorporated under the laws of the State of California and operating exclusively therein, provided said corporation has had, for its fiscal year next preceding such investment, net earnings, after pay-

ment of all maintenance charges, operating expenses and taxes sufficient to pay the interest on all of its outstanding mortgage indebtedness; or

(2) Bonds of any railroad corporation incorporated under the laws of any other state in the United States, operating at least five hundred miles of standard gauge track exclusive of sidings; *provided*, said corporation has had for its fiscal year next preceding such investment, net earnings after the payment of all maintenance charges, operating expenses and taxes, amounting to at least one and one half times the interest on all its outstanding mortgage indebtedness; or

(3) Bonds of any railroad corporation, the payment of which has been guaranteed, both as to principal and interest, by a railroad corporation meeting the requirements of either subdivision (1) or (2) of paragraph (f) of this section; the income of which latter corporation, together with the income of any corporation whose bonds it has guaranteed, shall have been sufficient to pay all its maintenance charges, operating expenses, taxes and interest on all its outstanding mortgage indebtedness and, in addition thereto, interest on the total outstanding mortgage indebtedness of any other corporation the payment of which it has guaranteed, for the periods specified in the respective subdivisions of this paragraph relating thereto; *provided*, that the excess of income of any corporation whose bonds have been so guaranteed, over its maintenance charges, operating expenses, taxes and interest on its outstanding mortgage indebtedness, shall not apply to or be included in determining the income so required. In determining the income of any corporation specified in paragraph (f) of subdivision three of this section, there shall be included the income of any corporation or corporations out of which it shall have been formed through consolidation or merger, and of any corporation or corporations, the entire business and income producing property of which the corporation issuing such bonds has wholly acquired. All bonds authorized for investment by paragraph (f) of subdivision three of this section must be secured by a mortgage or trust deed which is at the time of making such investment either a first mortgage or deed of trust, a refunding mortgage or deed of trust providing for the retirement of all prior lien mortgage debts of said corporation, or an underlying or divisional closed mortgage or trust deed of property which forms a part of the operating system of the corporation then owning said property. No savings bank shall purchase the bonds of any railroad corporation deriving less than twenty per centum of its gross receipts from passenger revenues. The term "railroad corporation," when used in paragraph (f) of subdivision three of this section, shall have the meaning defined in the "Public Utilities Act" approved December 23, 1911.

Guaranteed railroad bonds.

Secured by mortgage.

(g) Bonds of any street railroad corporation; or of any gas; water; pipe line; light; power; light and power; gas, light and

Street railroad bonds.

power; electrical; telephone; telegraph; or telephone and telegraph corporation or of any other "public utility" incorporated under the laws of the State of California; and

(1) Operating exclusively in the State of California; *provided*, said corporation has had, for its fiscal year next preceding such investment, net earnings, after the payment of all maintenance charges, operating expenses and taxes, amounting to one and one-half times the interest on all its outstanding mortgage indebtedness; or

(2) Operating its property in part within the State of California; *provided*, said corporation has had, for each of its two fiscal years next preceding such investment, net earnings, after the payment of all maintenance charges, operating expenses and taxes, amounting to one and one-half times the interest on all of its outstanding mortgage indebtedness; or

(3) The payment of which is guaranteed, both as to principal and interest, by a public utility corporation meeting the requirements of either subdivision (1) or (2) of paragraph (g) of this section, the income of which latter corporation, together with the income of any corporation whose bonds it has guaranteed, shall have been sufficient to pay all its maintenance charges, operating expenses, taxes and interest on all its total outstanding mortgage indebtedness, and in addition thereto, interest on the total outstanding mortgage indebtedness of any other corporation the payment of which it has guaranteed, for the period specified in the respective subdivisions of this paragraph relating thereto; *provided*, that the excess of income of any corporation whose bonds have been so guaranteed, over its maintenance charges, operating expenses, taxes and interest on its outstanding mortgage indebtedness shall not apply to or be included in determining the income so required. In determining the income of any corporation specified in paragraph (g) of subdivision three of this section, there shall be included the income of any corporation or corporations out of which it shall have been formed through consolidation or merger, and of any corporation the entire business and income producing property of which the corporation issuing such bonds has wholly acquired. All bonds authorized for investment by paragraph (g) of subdivision three of this section must be secured by a mortgage or trust deed which is at the time of making such investment; either

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

II. A first mortgage or deed of trust containing provisions restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to pay all maintenance charges, operating expenses, taxes and one and one-half times the interest on all its mortgage indebtedness then outstanding and on the additional bonds then proposed to be issued; or

III. A refunding mortgage or deed of trust providing for the retirement of all prior lien mortgage debts of said corporation, and restricting the issuance of further bonds until such

Payment
guaranteed.

Security.

First
mortgage.

Refunding
mortgage.

time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to pay all maintenance charges, operating expenses, taxes and one and one half times the interest on all its mortgage indebtedness then outstanding, and on the additional bonds then proposed to be issued; or

IV. An underlying or divisional closed mortgage or trust deed of property which forms a part of the operating system of the corporation then owning said property. In the case of bonds secured by an underlying or divisional closed mortgage or trust deed, the net income required by this section shall be based exclusively upon the income, maintenance charges, operating expenses, taxes and mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or trust deed, or on the proper proportionate share of such property in the general income, maintenance charges, operating expenses, taxes and mortgage indebtedness of the corporation then owning such property; *provided, however,* that if the payment of the bonds secured by such underlying or divisional closed mortgage or trust deed shall be guaranteed or assumed by the corporation then owning the property securing the same, such bonds shall be legal investments for savings banks, if the net income of such corporation from all sources after paying all of its maintenance charges, operating expenses, taxes and mortgage indebtedness shall equal the amount herein required, notwithstanding any insufficiency of the income derived from the property covered by such underlying or divisional closed mortgage or trust deed to meet the requirements of this section.

Trust deed on operative property.

The term "street railroad corporation," "pipe line corporation," "gas corporation," "electrical corporation," "telephone corporation," "telegraph corporation," "water corporation," and "public utility," when used in paragraph (g) of subdivision three of this section, shall each have the meaning defined in the "Public Utilities Act" approved December 23, 1911.

Definitions.

(h) Notes or bonds secured by first mortgage or deed of trust or other first lien upon real estate, improved or unimproved; *provided,* that the entire note or bond issue shall not exceed sixty per centum of the market value of such real estate, or such real estate with improvements, taken as security; *and provided, further,* in case the said note or bond issue is created for a building loan on real estate, that at no time shall the entire outstanding note or bond issue exceed sixty per centum of the market value of the real estate and the actual cost of the improvements thereon taken as security.

Notes secured by first mortgage.

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

(1) Deposit of bonds authorized for investment by this section, of a market value at least fifteen per centum in excess of the par value of the collateral trust bonds or notes issued; or

(2) Deposit of bonds authorized for investment by this section, and other securities, of a combined market value at least twenty per centum in excess of the par value of the col-

Collateral trust bonds.

lateral trust bonds or notes issued; *provided*, that the par value of said collateral trust bonds or notes shall in no case exceed the market value of that portion of the security represented by bonds authorized for investment by this section.

Legal investments in New York and Massachusetts.

(j) Bonds legal for investment by savings banks in the states of New York or Massachusetts; *provided, however*, that as to bonds of the character specified in paragraph (c) or (e) of subdivision three of this section, such bonds shall also conform to the requirements of either of such paragraphs.

Certificates on real estate.

(k) Certificates issued by a corporation organized under the laws of this state with a paid-up capital stock of not less than one hundred thousand dollars, evidencing and conferring participation to an indicated amount in a first mortgage on real estate and the debt secured thereby, and guaranteeing the payment of the principal of the mortgage debt at its maturity or within some specified time thereafter and agreeing to pay interest on the amount of the participation at some specified rate, the mortgage however and debt thereby secured to be assigned to a trust company and held by it as security for the payment of said mortgage certificates and for the performance of all conditions imposed thereby upon the corporation issuing the same; *provided*, the said first mortgage indebtedness shall not exceed sixty per centum of the market value of the real estate taken as security; *and provided, further*, that the trust company shall certify on each certificate that the aggregate amount of the certificates issued evidencing and conferring participation in any one such mortgage and mortgage debt does not exceed the principal of the said mortgage debt; *but provided, nevertheless*, that, unless such certificates are made legal investment for savings banks by other law of this state, no savings bank shall purchase any such certificates until the corporation issuing the same has first obtained the written approval of the superintendent of banks to such certificates as an investment for savings banks. The actual expense of investigating any issue of such certificates presented to the superintendent of banks for approval shall be paid by the corporation presenting the same, and the superintendent of banks, before making such investigation may require a cash deposit of such amount as he may deem necessary to cover such expense. The superintendent of banks may accept and act upon the opinions and appraisements of any title insurance or abstract company, attorneys or appraisers which may be presented by such corporation so applying, and the reports of any of the executive officers of the corporation issuing such certificates, on any question of fact concerning or affecting such certificates, the security thereof, or the financial condition of the corporation issuing the same. In lieu of or in addition to such opinions, appraisements and reports, the superintendent of banks may, if he deems proper, have any or all such matters passed upon and certified to him by attorneys, appraisers or accountants of his own selection at the expense of the appli-

Limitations.

Expense of investigation.

cant. The superintendent of banks shall keep an official list of all issues of such certificates approved by him.

No notes, bonds, or other securities, the payment of which is secured by any mortgage or deed of trust executed after September 1, 1913, shall be deemed to come within or conform to the requirements of either of paragraphs (f), (g) or (i) of subdivision three of this section, unless such notes, bonds or other securities shall, in the manner provided in this act, have been certified by the superintendent of banks, to come within and fully conform to the requirements of one or the other of said paragraphs.

Notes, etc., certified to by superintendent of banks.

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

Legality of investments not affected.

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

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

Bonds of public utilities.

(a) Issued prior to the taking effect of the "Public Utilities Act"; or

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

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

No provision of this act, and no act, or deed, done or performed under or in connection therewith, and no finding made or certificate issued under any provision thereof, shall be held or construed to obligate the State of California to pay, or be liable for the payment of, or to guarantee in any manner whatsoever, the regularity or the validity of the issuance of any stock or bond certificate, or bond, note, or other evidence of indebtedness certified under any provision of this act, by the superintendent of banks, as being in con-

State does not guarantee validity of bonds.

formity with the requirements of any paragraph of subdivision three of this section.

SEC. 48. A new section is hereby added to said act, to be numbered sixty-one *a*, and to read as follows:

Superintendent of banks may investigate bonds.

Section 61*a*. The superintendent of banks shall have power, when any issue of bonds or securities is presented to him for that purpose, to investigate and ascertain whether such bonds or securities come within and fully conform to all the requirements of paragraphs (*f*), (*g*), (*h*) or (*i*) of subdivision three of section sixty-one of this act, or of either of said paragraphs. He may also investigate and ascertain for what period of time, and upon what conditions, any franchise granted to or held by any corporation issuing any such bonds or securities will remain in force. The actual expense of investigating any issue of bonds or securities so presented shall be paid by the person or corporation presenting the same for investigation, and the superintendent of banks, before making such investigation may require a cash deposit of such amount as he may deem necessary to cover such expense. The superintendent of banks may accept and act upon the opinions and appraisements of any attorneys or appraisers which may be presented by such person or corporation so applying, and the reports of any of the executive officers of the corporation issuing such bonds or securities, on any question of fact concerning or affecting such bonds or securities, the security thereof, the franchise conditions herein mentioned, or the financial condition of the corporation issuing the same. In lieu of or in addition to such opinions, appraisements and reports, the superintendent of banks may, if he deems proper, have any or all such matters passed upon and certified to him by attorneys, appraisers or accountants of his own selection at the expense of the applicant. If the superintendent of banks shall find from such investigation that the bonds or securities so presented come within and fully conform to all the requirements of any of said paragraphs of subdivision three of section sixty-one of this act, and is satisfied from such investigation as to such franchise conditions, he shall so certify, otherwise a certificate shall be refused. The superintendent of banks shall keep an official list of all bonds and securities certified by him.

Expenses.

Opinion of attorneys.

SEC. 49. Section sixty-four of said act is hereby amended to read as follows:

Time and condition of repayment of deposits.

Section 64. Each savings bank must prescribe by its by-laws, or by contract with its depositors, the time and conditions on which repayment is to be made to depositors, except as in this act otherwise provided. In all cases the by-laws or contracts shall provide that notice of at least thirty days may, at the option of any such bank, be required to be given of intention to withdraw any deposit or part thereof, but whenever there is any call by depositors for repayment of a greater amount than the bank may have disposable for that purpose, the directors or officers thereof must not make any new loan or investment of the funds of the depositors or of earnings thereof

until such excess of call has ceased. The directors of any such bank having no capital stock shall, before the declaration of any dividend, carry at least one tenth part of the net profits of such bank, for the preceding half year, or for the period covered by said dividend, to its reserve fund. Subject to the provisions of section nineteen of this act, any losses sustained by any such bank may be charged to and paid out of its reserve fund. A larger reserve fund may be created and nothing herein contained shall be construed as prohibitory thereof. The assets of any such bank are a security to its depositors. Any such bank organized without capital stock, may provide by its by-laws for the disposal of any amount in its reserve fund in excess of the amount required by section nineteen of this act and may also provide for final disposal upon the dissolution of the bank of its reserve fund or the balance thereof remaining after payment of any losses of such bank.

Reserve fund.

SEC. 50. Section sixty-five of said act is hereby amended to read as follows:

Section 65. No loan shall be made, directly or indirectly, to any director or officer of any savings bank by such bank or on the endorsement, surety or guaranty of any such officer or director, except that loans may be made to any corporation in which any director or officer of such savings bank may own or hold a minority number of shares of stock, upon authorization of a majority of all the directors of such savings bank and the affirmative vote of all directors of such savings bank present at the meeting authorizing such loan; *provided, however,* that such loan shall in all other respects conform to and comply with all other provisions of this act. Such interested director or officer shall not vote or participate in any manner in the action of the board on such loan. Such authorization shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing such loan, the corporate name of the borrower, the name of each director or officer of such bank who is a member, stockholder, or director of the corporation to which such loan is made, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor and the fact of payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks. A loan may be made to any agent or employee, other than an officer or director, of any savings bank by such bank upon authorization of a majority of all the directors of such savings bank and an affirmative vote of all directors of such savings bank present at the meeting authorizing such loan; *provided, however,* that such loan shall in all respects conform to and comply with all other provisions of this act. Such authorization shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing such loan, the name of the borrower, the nature of his employment, the amount of such loan, the

No loan to officer.

Record of loan.

Loan to employe.

rate of interest thereon, the time when the loan will become due, the amount, character and value of the security given therefor, and the fact of payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks. Any officer or director of any savings bank, who knowingly procures a loan from such savings bank, contrary to the provisions of this section, shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank, to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

Penalty.

SEC. 51. Section sixty-six of said act is hereby amended to read as follows:

No loan exceeding 50 per cent of stock.

Section 66. No savings bank shall hereafter make any loans to any person, firm, co-partnership or corporation to an amount exceeding fifty per centum of the actual paid-up capital stock and surplus of such bank, or in the case of a bank organized without capital stock, to an amount exceeding fifty per centum of the reserve fund of such bank; *provided, however*, that any savings bank having a paid-up capital and surplus of less than fifty thousand dollars, but not less than twenty-five thousand dollars, may make any such loan on real estate security to an amount not exceeding twenty-five thousand dollars; *and provided further*, that any savings bank having a paid-up capital and surplus of less than twenty-five thousand dollars may make any such loan on real estate security to an amount not exceeding its paid-up capital and surplus, if each such loan in all other respects conforms to the provisions of this act. The renewal or extension of any loan heretofore legally made by any savings bank shall not be construed to be a "loan hereafter made" within the meaning of the provisions of this section. The legality of investments heretofore lawfully made pursuant to the provisions of this act as it existed on and subsequent to July 1, 1909, shall not be affected by the provisions of this section. For the purposes of this section an endorser or guarantor shall be deemed to be a borrower.

Renewal of loan.

SEC. 52. Section sixty-seven of said act is hereby amended to read as follows:

Limitation on loans.

Section 67. 1. No savings bank shall loan money except on adequate security of real or personal property, and no such loan shall be made for a period longer than ten years; *provided*, that no such loan shall be made on unsecured notes.

Not more than 5 per cent in bonds.

2. No savings bank shall invest or loan more than five per centum of its assets on any one bond issue, except bonds of the United States, of the State of California, bonds for which the faith and credit of the United States or of the State of California are pledged, or bonds of any county, city and county, city or school district in this state, or bonds of any irrigation district such as are legal for investment by savings banks.

3. No savings bank shall loan money :

(a) On bonds of the character specified in paragraphs (a), (b), (c), and (d) of subdivision three of section sixty-one of this act, unless such bonds shall have a market value of at least ten per centum in excess of the amount loaned thereon; or,

Loans on bonds.

(b) On bonds of the character specified in paragraphs (e), (f) and (g) or on bonds or notes of the character specified in paragraph (i) of subdivision three of section sixty-one of this act, unless such bonds or notes shall have a market value at least fifteen per centum in excess of the amount loaned thereon; or,

(c) On bonds legal for investment by savings banks in the states of New York or Massachusetts, unless such bonds shall have a market value at least fifteen per centum in excess of the amount loaned thereon; or,

(d) On personal property unless such personal property shall have a market value at least fifty per centum in excess of the amount loaned thereon; or,

(e) On other bonds, or on the capital stock of any corporation, unless such bonds or stock shall have a market value at least fifty per centum in excess of the amount loaned thereon; *provided, however*, that no loan shall be made upon the capital stock of any bank unless such bank has been in existence at least two years and has earned and paid a dividend on its capital stock.

4. No savings bank shall make any loan on the security of real estate, except it be a first lien, and in no event to exceed sixty per centum of the market value of any real estate taken as security except for the purpose of facilitating the sale of property owned by such savings bank; *provided*, that a second lien may be accepted to secure the repayment of a debt previously contracted in good faith; *and, provided, also*, that any savings bank holding a first mortgage or deed of trust on real estate may take or purchase and hold another and immediately subsequent mortgage or deed of trust thereon, but all such loans shall not exceed in the aggregate sixty per centum of the market value of the real estate securing the same; *provided, further*, that a savings bank may loan not to exceed ninety per centum of the face value of a note or bond secured by a first mortgage or deed of trust on real estate, but in no event shall any such loan exceed ninety per centum of sixty per centum of the market value of the real estate covered by said mortgage or deed of trust.

Loans on real estate.

5. No savings bank shall purchase, invest or loan its capital, surplus or the money of its depositors, or any part of either, in mining shares or stock. Any president or managing officer who knowingly consents to a violation of any provision of this section shall be guilty of a felony.

No loans on mining stock.

SEC. 53. Section sixty-eight of said act is hereby amended to read as follows:

Section 68. Every savings bank or savings department of a bank, shall at all times maintain a lawful money reserve

Reserve of savings banks.

equivalent to four per centum of the aggregate amount of its deposits; one half of such lawful money reserve shall be kept on hand in lawful money of the United States or gold certificates or silver certificates of the United States, and one half may consist of bonds of the United States or of lawful money of the United States or gold certificates or silver certificates of the United States, on hand or on deposit subject to call with any reserve bank provided for in section twenty of this act; *provided, however*, that no savings bank or savings department shall be required to maintain in its own keeping a lawful money reserve in excess of four hundred thousand dollars, and when such lawful money reserve in its own keeping reaches that amount, the balance of cash necessary to make up the four per centum may be kept on deposit subject to call with any reserve bank provided for in section twenty of this act. No new loan shall be made during any deficiency in the lawful money reserve. Deposits with any commercial bank, or commercial department of a bank, on open account, to facilitate business transactions, as provided in this section, shall be permitted, and shall not be construed as loans. Not more than five per centum of the deposits of any savings bank shall be deposited with any one bank, except with the consent of the superintendent of banks. Not more than fifteen per centum of the deposits of any savings bank shall be deposited with all other banks, except with the consent of the superintendent of banks. No savings bank or savings department shall receive deposits of other banks other than savings deposits and such deposits shall not be treated or considered as a part of the lawful money reserve of such depositing bank; *provided*, that the sum so deposited shall not exceed ten thousand dollars.

Deposits
with com-
mercial
banks.

SEC. 54. Section eighty of said act is hereby amended to read as follows:

Section 80. No commercial bank shall make any loans to any person, firm, co-partnership or corporation, to an amount exceeding the following percentages of its capital stock actually paid in and surplus:

Loans of
commer-
cial banks.

Without
security.

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

worth at least fifteen per centum more than the amount of such loan; or,

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

3. Twenty-five per centum upon security worth at least fifteen per centum more than the amount of its loans so secured; *provided, however*, that when secured loans to this amount or any amount in excess of fifteen per centum are made, then no unsecured loans shall be permitted in addition to such secured loans.

A commercial bank may buy from, or discount for, any person, firm, co-partnership or corporation, or loan upon bills of lading or bills of exchange drawn in good faith against actual existing value an amount not exceeding seventy-five per centum of the paid-up capital and surplus of such bank; and may also buy from or discount for any person, firm, co-partnership or corporation, commercial or business paper actually owned by the person, firm, co-partnership or corporation negotiating the same, an amount not exceeding twenty-five per centum of the paid-up capital and surplus of such bank; but the discount of bills of lading or bills of exchange drawn in good faith against actual existing value, and the discount of commercial or business paper actually owned by the person, firm, co-partnership or corporation negotiating the same, shall not be considered as money borrowed by the person, firm, co-partnership or corporation selling or discounting the same.

SEC. 55. Section eighty-two of said act is hereby amended to read as follows:

Section 82. Every commercial bank hereafter organized must have paid up in cash a capital stock of not less than,

(a) Twenty-five thousand dollars if its principal place of business is located in any locality the population of which does not exceed five thousand persons;

(b) Fifty thousand dollars if its principal place of business is located in any city the population of which is more than five thousand persons but does not exceed twenty-five thousand persons;

(c) One hundred thousand dollars if its principal place of business is located in any city the population of which is more than twenty-five thousand persons but does not exceed one hundred thousand persons;

(d) Two hundred thousand dollars if its principal place of business is located in any city the population of which is more than one hundred thousand persons but does not exceed two hundred thousand persons;

(e) Three hundred thousand dollars if its principal place of business is located in any city the population of which is more than two hundred thousand persons.

Not appli-
cable to
existing
banks.

The foregoing classification shall not apply to any commercial bank already in existence which has received its certificate to do a banking business from the superintendent of banks; nor to any bank the location of which shall have been included by annexation or consolidation within the limits of a city of a class requiring a larger capitalization, but no bank thus excepted shall be permitted to establish any new branch office as provided in section nine of this act or to remove its place of business from the original limits of the city or township wherein it was located prior to such annexation or consolidation until it shall have the capital required of banks in such city not within said exception. Such excepted banks may not in any case decrease their capital stock but may increase the same in the manner provided by law to an amount either greater or less than that required of banks in such city not within said exception; *provided*, that nothing herein shall be construed to affect the provisions of section nineteen of this act relative to the proportion of capital and surplus to deposits or of section twenty-three of this act relative to the capital stock required of banks doing a departmental business. The provisions of section twenty-three of this act, as to population, shall apply to any bank organized under the provisions of this section.

SEC. 56. Section eighty-three of said act is hereby amended to read as follows:

Loans to
officers,
etc.

Section 83. No loan shall be made, directly or indirectly, to any officer of any commercial bank by such bank, or on the endorsement, surety, or guaranty of any such officer, except as hereinafter provided in this section. Loans to any director, agent, or other employee, or to any firm, co-partnership, or corporation of which any director, officer, agent or other employee is a member, stockholder, director, agent or other employee, or to any person, firm, co-partnership or corporation on the endorsement, surety, or guaranty of any such director other than an officer, agent or other employee, can be made by any commercial bank only on authorization of, or confirmation within thirty days after making such loan, by a majority of all the directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing or confirming such loan. Such interested director shall not vote or participate in any manner in the action of the board on such loan. The board of directors of any such bank may fix the total amount of credit that may at any one time during the twelve months next succeeding be given to any director, agent, or other employee, or to any firm, co-partnership or corporation in which any director, officer, agent, or other employee is a member, stockholder, director, agent or other employee, and any or all loans made within or up to the total amount of such authorized credit may at any time during said

Credit to
director.

twelve months, be renewed from time to time, in whole or in part, by the officers of the bank without any further vote or action on the part of the board of directors. Each such authorization shall be entered upon the records or minutes of said bank. No director shall vote or participate in any manner in such action of the board fixing the total amount of credit that may at any one time be given to himself or to any firm, co-partnership or corporation in which he is a member, stockholder, director, agent or other employee. The fact of making such loan, the names of the directors authorizing such loan, the name of the director, agent, or employee, obtaining such loan, or the name of the firm, co-partnership or corporation in which such director, officer, agent, or employee is interested, obtaining such loan, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor, if any, and the fact of payment when made, shall be forthwith reported in writing by the cashier or secretary of such bank to the superintendent of banks. In case of a loan so made without the previous authorization of the directors, the action of the board of directors, in confirming or refusing to confirm such loan within thirty days thereafter, shall be reported in the same manner. Any officer, director, agent, or employee of a commercial bank, who knowingly procures a loan from such commercial bank contrary to the provisions of this section, shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank, to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

Particulars of loan reported.

Penalty.

SEC. 57. Section eighty-four of said act is hereby amended to read as follows:

Section 84. No commercial bank shall invest an amount exceeding its paid-up capital and surplus in the lot and building in which the business of the bank is carried on, furniture and fixtures, vaults and safe deposit vaults and boxes necessary or proper to carry on its banking business; and hereafter the authority of a two-thirds vote of all the directors shall be necessary to authorize the purchase of such lot and building or the construction of such building.

Investment in building.

SEC. 58. Section ninety of said act is hereby amended to read as follows:

Section 90. Any corporation which has been or shall be incorporated under the general corporation laws of this state which is authorized by its articles of incorporation to act as executor, administrator, guardian of estates, assignee, receiver, depositary or trustee, under appointment of any court or by authority of any law of this state, or as trustee for any purpose permitted by law, which has its principal place of business in a city in which the population does not exceed one hundred

Trust companies.

thousand persons and which has a capital of not less than one hundred thousand dollars actually paid in, in cash, assigned to or available for the purpose of conducting business in any such capacity, or trust business of any character permitted by law, and which has made with the state treasurer the deposit of money or securities of the character and in the amount required by the terms of section ninety-six of this act, and which has received from the superintendent of banks the certificate of authority required by the terms of section one hundred and twenty-seven of this act, to transact such business, and any corporation which has been or shall be incorporated under the general corporation laws of this state, which is authorized by its articles of incorporation to act as executor, administrator, guardian of estates, assignee, receiver, depository or trustee, under appointment of any court or by authority of any law of this state, or as trustee for any purpose permitted by law, which has its principal place of business in a city in which the population exceeds one hundred thousand persons and which has a capital of at least two hundred thousand dollars actually paid in, in cash, assigned to or available for the purpose of conducting business in any such capacity, or trust business of any character permitted by law, and which has made with the state treasurer the deposit of money or securities of the character and in the amount required by the terms of section ninety-six of this act, and which has received from the superintendent of banks the certificate of authority required by the terms of section one hundred twenty-seven of this act, to transact such business, may act, or may be appointed by any court to act, in any such capacity in like manner as an individual and when so qualified shall be known as a trust company. Any such trust company may, as provided in this act, accept or receive any deposit of money or personal property authorized, directed or permitted to be made with any such corporation by any court or law of this state, and may accept and execute any trust provided for in this act, or permitted by any law of this state, to be taken, accepted or executed by an individual. Any such trust company, if located in a city the population of which does not exceed one hundred thousand persons must segregate that portion of its capital and surplus assigned to or available for its trust business and must apportion and set aside at least fifty thousand dollars of such paid-up capital as security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside at least fifty thousand dollars of such paid-up capital as security for the faithful performance and execution of all court trusts accepted by it and whenever such trust company shall, under the provisions of sections 96 and 98 of this act, be required to make the first additional deposit of securities with the state treasurer, such trust company must also apportion and set aside an additional fifty thousand dollars of paid-up capital as security for the faithful performance and execution of all private

Capital.

May receive deposits.

Segregation of capital and surplus in cities of less than 100,000.

trusts accepted by it and must also apportion and set aside an additional fifty thousand dollars of paid-up capital as security for the faithful performance and execution of all court trusts accepted by it, and any trust company, if located in a city, the population of which exceeds one hundred thousand persons, must segregate that portion of its capital and surplus assigned to or available for its trust business and must apportion and set aside at least one hundred thousand dollars of such paid-up capital as security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside at least one hundred thousand dollars of such paid-up capital as security for the faithful performance and execution of all court trusts accepted by it; *provided*, that no such trust company shall at any time be required to apportion and set aside any portion of its surplus as security for the faithful performance of such private trusts, nor shall it be prohibited from so doing; *and provided, further*, that the respective amounts of capital or capital and surplus so apportioned and set aside shall be treated in all respects as the separate capital or capital and surplus of each respective kind or class of business, as though the same were conducted by separate and distinct corporations, and each shall be kept, held, used and disposed of wholly for the exclusive benefit, protection and security of the respective classes of trust business to which the same were respectively so apportioned and set aside. In all cases in which it is required that an executor, administrator, guardian of estates, assignee, receiver, depository or trustee, shall qualify by taking and subscribing an oath, or in which an affidavit is required, it shall be a sufficient qualification by such corporation if such oath be taken and subscribed or such affidavit made by the president, vice president, secretary, manager, trust officer, assistant trust officer or regularly employed attorney thereof, and such officer or employee shall be liable for the failure of such trust company to perform any of the duties required by law to be performed by an individual acting in like capacity and subject to like penalties; *provided*, any such appointment as guardian shall apply to the estate only, and not to the person. No foreign corporation shall have or exercise in this state the power to act as trustee under any mortgage, deed of trust, or other instrument securing notes or bonds issued by any corporation, excepting that a foreign corporation may be authorized to act, outside of the State of California, as co-trustee with any qualified trust company organized and doing business under the laws of this state, for the following purposes with reference to bonds secured by mortgage or deed of trust of property in this state, and none other:

In cities of more than 100,000.

Separate kinds of capital.

Oath may be taken by officer of company.

Not guardian of person.

Acts for-
-only of-
-porations
may do.

- (1) To deliver bonds, and receive payment therefor.
- (2) To deliver permanent bonds in exchange for temporary bonds of the same issue.
- (3) To deliver refunding bonds in exchange for those of a prior issue or issues.

(4) To register bonds, or to exchange registered bonds for coupon bonds, or coupon bonds for registered bonds.

(5) To pay interest on such bonds, and to take up and cancel coupons representing such interest payments.

(6) To redeem and cancel bonds when called for redemption, or to pay and cancel bonds when due.

(7) The certification of registered bonds for the purpose of exchanging registered bonds for coupon bonds.

SEC. 59. Section ninety-one of said act is hereby amended to read as follows:

Deposit
of trust
funds by
executor,
etc.

Section 91. Any court having jurisdiction of any executor, administrator, guardian, assignee, receiver, depository or trustee, upon the application of any such officer or trustee, or upon the application of any person having an interest in the estate or property administered by such officer or trustee, after such notice to the other parties in interest as the court may direct, and after a hearing upon such application, may authorize such officer or trustee to deposit any moneys then in his hands, or which may come into his hands thereafter, until the further order of said court, with any such trust company, and upon deposit of such money, and its receipt and acceptance by such trust company, the said officer or trustee shall be discharged from further care or responsibility therefor. Such deposit shall be paid out only upon the order of said court.

SEC. 60. Section ninety-two of said act is hereby amended to read as follows:

Deposit of
trust
funds by
public
admin-
istrator.

Section 92. Any public administrator may deposit any or all moneys of any estate upon which he is administering, not required for the current expenses of such administration, with any such trust company having its principal place of business in the county, or city and county in which he is acting as such administrator. Any court having jurisdiction of an estate being administered by a public administrator, may direct such administrator to deposit all or any part of the moneys of said estate with any such trust company. Such deposit shall relieve the public administrator from depositing with the county treasurer the moneys so deposited with such trust company. Moneys so deposited by a public administrator may be drawn upon the order of such administrator, countersigned by a judge of the superior court, when required for the purposes of administration, or otherwise.

SEC. 61. Section ninety-three of said act is hereby amended to read as follows:

Court
may order
deposit.

Section 93. Any court having jurisdiction of any estate in process of administration, or any other proceeding, may, on application of any person interested therein, or the person who has been selected by said court, or a judge thereof, as executor, administrator, guardian, assignee, receiver, depository or trustee, after such notice to the parties in interest as the court shall direct, or without notice if all parties in interest consent thereto, and a hearing on such application,

order any executor, administrator, guardian, assignee, receiver, depository or trustee so selected or appointed, whether such person has duly qualified or not to deposit with any such trust company, for safe keeping, such portion or all of the personal assets of said estate as the court shall deem proper, and upon such deposit being made, the court shall by an order of record reduce the bond to be given or theretofore given by such officer or trustee, so as to cover only the estate remaining in the hands of said officer or trustee; and the property so deposited shall thereupon be held by such trust company, under the order and direction of said court.

SEC. 62. Section ninety-four of said act is hereby amended to read as follows:

Section 94. Such trust company shall not be required to give any bond or security in case of any appointment or deposit of moneys or other personal assets hereinbefore provided for, except as provided in this act, but shall be responsible for all investments which shall be made by it of the funds which may be entrusted to it for investment by such court, and shall be liable to the same extent as an individual, and as hereinafter provided. No bond required.

SEC. 63. Section ninety-five of said act is hereby amended to read as follows:

Section 95. Such trust company shall pay interest upon all moneys so deposited with it at such rate as may be agreed upon at the time of its acceptance of any such deposit, or as shall be provided by the order of court and agreed to by such trust company. Interest on deposits.

SEC. 64. Section ninety-six of said act is hereby amended to read as follows:

Section 96. Any such trust company, if its principal place of business is situated in a city the population of which does not exceed one hundred thousand persons, before accepting any such appointment or deposit, shall deposit with the state treasurer, as herein provided, at least fifty thousand dollars as security for the faithful performance and execution of all court trusts accepted by it, and shall also deposit with the state treasurer at least fifty thousand dollars as security for the faithful performance and execution of all private trusts accepted by it; and whenever any such trust company shall under the provisions of section 98 of this act be required to make the first additional deposit of securities with the state treasurer such trust company must also deposit with the state treasurer an additional fifty thousand dollars as security for the faithful performance and execution of all private trusts accepted by it; and any trust company if its principal place of business is situated in a city the population of which exceeds one hundred thousand persons, before accepting any such appointment or deposit, shall deposit with the state treasurer, as herein provided at least one hundred thousand dollars, as security for the faithful performance and execution of all court trusts accepted by it, and shall also deposit with the state Security deposit with state treasurer.

Securities
acceptable.

treasurer at least one hundred thousand dollars as security for the faithful performance and execution of all private trusts accepted by it. Any such deposit may be made either in lawful money of the United States, or in securities of either or any of the following classes:

(a) Bonds issued by the United States or by this state or by any county, city and county, city or school district therein;

(b) Bonds for the payment of which the faith and credit of the United States or of this state are pledged;

Exchange
of secur-
ities.

(c) Notes or bonds secured by mortgage or deed of trust constituting a first lien on improved and productive real estate in the State of California; such improved real estate being worth at least double the amount of such lien. Such money or securities shall be first approved by the superintendent of banks and, upon his written order, deposited with the state treasurer for the respective purposes herein specified, and said treasurer shall give his receipt therefor, and thereafter, subject to the provisions of this act, shall hold such deposits of money or securities separately, each for the sole benefit of the beneficiaries of the class of trust business, for the security and protection of which the same was deposited, and said treasurer shall give his receipt therefor and the state shall be responsible for the custody and safe return of any money or securities so deposited. Said securities or money so deposited may, with the approval of the superintendent of banks, be withdrawn or exchanged from time to time for other like securities, or lawful money, receivable as aforesaid, and so long as the trust company so depositing said money or securities shall continue solvent, it shall have the right and shall be permitted by the state treasurer to receive the interest and dividends on any securities so deposited. Said securities and money shall be subject to sale and transfer, and to the disposal of the proceeds by said state treasurer, only on the order of a court of competent jurisdiction and for the benefit respectively of the beneficiaries of that class of trust business for the security and protection of which the same were deposited.

SEC. 65. Section ninety-seven of said act is hereby amended to read as follows:

Mortgage
of build-
ing.

Section 97. Any such trust company, having a capital and surplus of two hundred thousand dollars or more apportioned and set aside as security for the faithful performance and execution of all court trusts accepted by it, as provided in this act, and which is wholly or in part invested in the lot and building in which its business is carried on, may be permitted by the superintendent of banks to mortgage such lot and building to the state treasurer for such sum, up to its full market value, as the superintendent of banks may determine, and such mortgage may be deposited with said treasurer, and when so deposited it shall be included in the amount of securities herein required to be deposited with said treasurer as security for the faithful performance of all such court trusts.

SEC. 66. Section ninety-eight of said act is hereby amended to read as follows:

Section 98. Whenever any trust company, the principal place of business of which is located in a city the population of which does not exceed one hundred thousand persons, receives from court trusts accepted by it, trust funds, as herein defined, to the amount of five hundred thousand dollars, it shall forthwith notify in writing the superintendent of banks of such fact, and within thirty days thereafter shall deposit with the state treasurer additional money or securities of the character mentioned and defined in section ninety-six of this act, approved as therein provided, in the amount of fifty thousand dollars; and whenever any trust company receives from court trusts such funds to the amount of one million dollars it shall further notify in writing the superintendent of banks of such fact and within thirty days thereafter shall deposit with the state treasurer additional money or securities of the character mentioned and defined in section ninety-six of this act, approved as therein provided, in the amount of fifty thousand dollars; and for each additional five hundred thousand dollars of such trust funds thereafter received by any trust company from court trusts a similar notification in writing shall forthwith be given to the superintendent of banks, and a further deposit in the amount of twenty-five thousand dollars of such money or securities, or of securities provided for in section ninety-seven of this act likewise approved, shall be made, within thirty days thereafter, by such trust company with said state treasurer. The treasurer shall give his receipt for any money or securities so deposited and each and all of said deposits of money or securities, shall be held by said state treasurer for the sole benefit of the beneficiaries of the class of business for the security and protection of which same were deposited. The state shall be responsible for the custody and safe return of any money or securities so deposited with said state treasurer. The term "trust funds" when used in this section shall be deemed to mean and shall mean personal property and cash, whether received with the original trust property or as rent, income or proceeds thereof, or otherwise, in connection with the trust, and shall not be deemed to include and shall not include real property. Any trust company failing to comply with the provisions of this section shall forfeit to the State of California one hundred dollars a day for each day during which such failure or default shall continue. Upon making a request in writing to the superintendent of banks, any such trust company shall be entitled to withdraw from the state treasurer, from time to time, a sufficient amount of such securities so that at all times the amount of such securities so deposited shall conform to the requirements of this act, and so that at no time shall such trust company be required to have on deposit with the state treasurer an amount of securities in excess of the requirements of this act. Upon receiving such request in writing, and satis-

When trust funds exceed \$500,000.

When trust funds exceed \$1,000,000.

Treasurer's receipt.

"Trust funds" defined.

Penalty.

Validity
of acts.

factory proof of the facts warranting such withdrawal, it shall be the duty of the superintendent of banks to forthwith deliver to the state treasurer a written order directing the withdrawal of said securities so as to conform with the provisions of this section, and it shall be the duty of the state treasurer to comply with such written order. The validity or legality of any act or proceeding done or taken by any such trust company, relating to or in connection with the administration of any such trusts, shall not be affected or impaired by the neglect or failure of such trust company, or of any officer or employee thereof, to comply with any of the provisions of this act, but all such acts and proceedings done or taken prior to the revocation of its certificate of authority to do such business by the superintendent of banks, under the provisions of this act, or the revocation by any court or judge thereof of the appointment, order or decree theretofore entered in such trust matter shall be as valid and effective for all purposes as if any such neglect or failure had not occurred.

Sec. 67. Section ninety-nine of said act is hereby amended to read as follows:

Abstract
of title.

Section 99. When any part of the securities so deposited with the state treasurer consists of notes or bonds secured by mortgage or deed of trust, it shall be accompanied by a complete abstract of title or an unlimited certificate of title or a policy of title insurance prepared or issued by a person, company or corporation designated or approved by the superintendent of banks and authorized by law or otherwise found by the superintendent of banks to be competent to issue such evidence of title, which shall be examined and approved by or under the direction of said superintendent of banks. The fees for an examination of such evidence of title by counsel to be paid by the trust company making the deposit shall not exceed twenty dollars for each title examined, and the fee for each appraiser not exceeding two, shall not exceed five dollars for each mortgage or deed of trust.

Fees.

Repealed.

Sec. 68. Section one hundred of said act is hereby repealed.

Sec. 69. Section one hundred one of said act is hereby amended to read as follows:

Classifica-
tion of
trusts.

Section 101. For the purposes of this act, all trusts permitted to be accepted or executed by any such trust company, under any provision of this act are hereby classified and defined as either:

- (a) Court trusts; or
- (b) Private trusts.

Court
trust.

A court trust is one in which any such trust company acts under appointment, order or decree of any court, as executor, administrator, guardian, assignee, receiver, depository or trustee, or in which it receives on deposit from a public administrator, under any provision of this act, or from any executor, administrator, guardian, assignee, receiver, depository or trustee, under any order or decree of any court, money or property. Any other trust is a private trust. The

Private
trust.

inspection and supervision of the superintendent of banks shall extend only to court trusts as herein defined. Private trusts shall not be subject to the inspection or supervision of the superintendent of banks, his attorneys, examiners or other assistants. In making the reports to the superintendent of banks required by this act, every trust company shall, in addition to the other facts to be reported by it, furnish only a list and brief description of the court trusts held by it, the source of appointment thereto, the authority by which the appointment or deposit was made, and the amount of real or personal property held by such trust company by virtue thereof.

SEC. 70. Section one hundred two of said act is hereby amended to read as follows:

Section 102. Any corporation which desires to withdraw from and discontinue doing a trust business shall furnish to the superintendent of banks satisfactory evidence of its release and discharge from all the obligations and trusts hereinbefore provided for, and thereupon the superintendent of banks shall revoke his certificate of authority to do a trust business theretofore issued to such corporation, and the state treasurer shall return to said corporation all the securities deposited by such corporation and shall cancel any mortgage made by such corporation to said state treasurer as a part of such securities, and thereafter such corporation shall not be permitted to use and shall not use the word "trust" in its corporate name or in connection with its business.

Discontinu-
ance of
trust
business.

SEC. 71. Section one hundred three of said act is hereby amended to read as follows:

Section 103. Any trust company exercising the powers and performing the duties provided for in this act, shall, except as herein otherwise provided, keep inviolate all communications and writings made to or by said trustee touching the existence, condition, management and administration of any private trust confided to it; and no creditor or stockholder of any such trust company shall be entitled to disclosure or knowledge of any such communication or writing; *provided, however*, that the president, vice-president, manager, trust officer, secretary or regularly employed attorney of any such trust company shall be entitled to knowledge of any such communication or writing; *and provided further*, that in any suit or proceeding touching the existence, condition, management or administration of any such trust, the court wherein the same is pending may require disclosure of any such communication or writing.

Secrecy of
communi-
cations
concerning
private
trusts.

SEC. 72. Section one hundred four of said act is hereby repealed.

Repealed.

SEC. 73. Section one hundred five of said act is hereby amended to read as follows:

Section 105. Every trust company shall, except as otherwise provided by law, invest its capital and surplus and any trust funds received by it in connection with its trust business, in accordance with the laws relative to the investment or loan of funds deposited with savings banks, unless a specific agreement to the contrary is made between the trust company and the

Invest-
ment of
capital,
etc.

party creating the trust, or unless it is otherwise ordered by the court, in connection with any court trust.

SEC. 74. Section one hundred six of said act is hereby amended to read as follows:

Trust
company
doing
commercial
business.

Section 106. Any such trust company desiring to do, or doing, a commercial banking business or a savings bank business, or both, in addition to its trust business shall have actually paid up, in cash, the amount of capital provided in section twenty-three of this act. Any title insurance company authorized by its articles of incorporation to do, or doing a trust business, in addition to its title insurance business, shall comply with all the requirements of any law governing trust companies, and shall have a capital stock actually paid in, in cash, of not less than two hundred thousand dollars, and in addition thereto, the capital stock required by law for doing a title insurance business. Such capital for each such department or class of business shall be increased from time to time in the same manner and to the same extent as though each such department or class of business was conducted by a separate bank, trust company or title insurance company, instead of as separate departments or classes of business. Any trust company and any title insurance company doing a departmental business as above provided shall comply with the provisions of this act governing each of such departments and with the provisions of any law governing each such class of business as to its deposits, reserve, surplus, investments and loans.

SEC. 75. A new section is hereby added to said act, to be numbered one hundred seven, and to read as follows:

Departmental
business
as title
insurance
company
and as
trust
company.

Section 107. Any corporation doing a departmental business as a title insurance company and as a trust company, shall, as to its trust department, be subject to the supervision and inspection of the superintendent of banks, and as to its trust department must make all reports to the superintendent of banks required to be made by trust companies by the provisions of this act, and as to its trust department such corporation shall also be subject to, and shall have the benefit of all other provisions and requirements of this act applicable to trust companies, and shall also be subject to and shall have the benefit of all of the banking laws and rules and regulations of the banking department of this state applicable to trust companies. The proportionate part of the state banking fund provided for by section one hundred twenty-three of this act, that shall be payable by such corporation, shall be based on the amount of capital and surplus of such corporation apportioned to its trust department.

SEC. 76. Section one hundred twenty-one of said act is hereby amended to read as follows:

Employees
of super-
intendent
of banks.

Section 121. The superintendent of banks shall employ a chief deputy, attorney and such examiners and other assistants as he may need to discharge in a proper manner the duties imposed upon him by law, none of which examiners or assist-

ants or attorney shall be interested in any bank in this state as director, stockholder, officer or employee, and they shall perform such duties as he shall assign to them. He shall fix the compensation of the chief deputy, attorney, examiners and other assistants, which compensation shall be paid monthly on his certificate and on the warrant of the controller out of the state treasury. The chief deputy shall within fifteen days from the time of his appointment take and subscribe to the constitutional oath of office and file the same in the office of the secretary of state. No person shall be appointed a chief deputy who has not had at least three years' active banking experience, either as an executive officer or employee of some bank in this state. In case of the absence or inability to act, or vacancy in the office of the superintendent of banks for thirty consecutive days, the chief deputy shall execute to the people of the state a bond in the penal sum of fifty thousand dollars, with corporate surety or two sureties to be approved by the controller and treasurer of the state, conditioned for the faithful discharge of the duties of the superintendent while such deputy acts as superintendent, and upon filing such bond such deputy shall have all the power and duties of superintendent of banks, until the inability of the superintendent shall be removed, or until a new superintendent of banks shall have been appointed by the governor. No superintendent of banks, chief deputy, or bank examiner, shall be or shall become indebted, directly or indirectly, either as borrower, endorser, surety, or guarantor, to any bank under his supervision or subject to his examination.

Compensation.

In case of vacancy.

Not to borrow from banks.

SEC. 77. Section one hundred twenty-three of said act is hereby amended to read as follows:

Section 123. A fund is hereby created to be known as the state banking fund, and out of said fund shall be paid all the expenses incurred in and about the conduct of the business of the banking department, including the salary of the superintendent, chief deputy, attorney, examiners and other assistants, traveling expenses, furnishing of rooms and rent. Each bank shall pay annually its share of eighty-seven thousand five hundred dollars, to be determined by the proportion which the capital and surplus which shall include all reserve and contingent funds, of any incorporated bank or the surplus, reserve and contingent funds of any bank organized without a capital stock bear to the capital, surplus, reserve and contingent funds in the aggregate of all such banks receiving certificates of authorization from the superintendent of banks, as shown by the last report of such bank to the superintendent of banks. All moneys collected or received by the superintendent of banks, under and by virtue of the provisions of this act, shall be by him delivered to the treasurer of the state, who shall deposit the same to the credit of said banking fund, and the unexpended balances of all moneys heretofore paid into the state treasury by any of the bank commissioners or the superintendent of banks, shall be retained and become a part of said fund;

State banking fund created.

Revolving
fund.

provided, however, that the superintendent shall have authority to retain in his possession and under his control the sum of five hundred dollars to be used by him as a revolving fund for the benefit of the state banking department until the end of the fiscal year at which time he shall make full settlement with the treasurer of the state. If any such bank shall fail to pay such charges as are herein required, the superintendent shall forthwith cancel the certificate of said bank.

SEC. 78. Section one hundred twenty-four of said act is hereby amended to read as follows:

Inspection
of banks.

Section 124. Every bank and the trust department of every title insurance company doing a trust business, shall be subject to the inspection of the superintendent of banks. The superintendent of banks, the chief deputy, or some competent person or persons to be appointed by the superintendent of banks, to be known as examiners, shall visit and examine every bank at least once each fiscal year. On every such examination inquiries shall be made by him as to the condition and resources of the bank, the mode of conducting and managing its affairs, the action of its directors, the investment and disposition of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held and whether the requirements of its articles of incorporation and the law have been complied with in the administration of its affairs, and as to such other matters as the superintendent may prescribe. Whenever, in the judgment of the superintendent of banks, the condition of any bank renders it necessary or expedient to make an extra examination or to devote any extraordinary attention to its affairs, the superintendent of banks shall have authority to make any and all necessary extra examinations and to devote any necessary extra attention to the conduct of its affairs; and such bank shall pay for all such extra services rendered by the superintendent of banks at a price to be fixed by the superintendent of banks but not to exceed twenty dollars per day. The superintendent of banks shall also have power to examine, or cause to be examined, every agency located in this state of any foreign bank or banking corporation, for the purpose of ascertaining whether it has complied with the laws of this state, and for such other purposes and as to such other matters as the superintendent may prescribe. The superintendent, chief deputy, and every such examiner shall have the power to administer an oath to any person whose testimony he may require on the examination of any bank, or on the examination of any agency of any foreign bank or banking corporation, and to compel appearance and attendance of any such person for the purpose of any such examination. When a bank shall have been examined by any examiner, and he finds securities therein which are, in his judgment, of doubtful value, he shall report the same to the superintendent of banks, who thereupon shall be authorized to employ appraisers at the expense of such bank to appraise said securities, at a compensation to be fixed by the superintendent of banks. The superintendent of banks

Extra
examina-
tions.

May ad-
minister
oaths.

Audit.

shall, whenever requested to do so by any bank, provide an auditor to make an audit of the affairs of such bank. The compensation for making such audit shall be paid by the bank direct to the person making the audit. Nothing herein shall be deemed to authorize or require the superintendent of banks to inspect or supervise the private trust business or title insurance business of any corporation doing a trust business.

SEC. 79. Section one hundred twenty-seven of said act is hereby amended to read as follows:

Section 127. No bank shall transact any business in this state without the written approval of the superintendent of banks, and without his written certificate stating that it has complied with the provisions of this act, and all the requirements of law, and that it is authorized to transact, within this state, the business specified therein; which certificate may be withheld by the superintendent of banks whenever he has reason to believe that the bank is being formed for any other than the legitimate objects contemplated by this act or whenever he has reason to believe that the public convenience and advantage will not be promoted by the opening of such bank, or whenever he has reason to believe that the corporate name assumed by such bank, by reason of the use by it of any one or more of the words "commercial," "trust," or "savings," in conjunction with any other word or words, resembles so closely as to be likely to cause confusion, the name of any other bank previously formed under the laws of this state. Before issuing such certificate the superintendent of banks shall examine, or cause an examination to be made, in order to ascertain whether the requisite capital of such bank has been paid up in cash or the requisite reserve or surplus fund has been accumulated. The superintendent of banks shall not authorize such banks to commence business until it appears from such examination, or other evidence satisfactory to him, that the requisite capital has been, in good faith, subscribed and paid in, in cash, or that the requisite surplus or reserve fund has been accumulated or paid in, in cash, and until said bank shall have paid a fee of fifty dollars for each department to be operated by said bank.

Certificate to transact business.

SEC. 80. Section one hundred twenty-eight of said act is hereby amended to read as follows:

Section 128. When the certified copy of articles of incorporation of any bank shall have been filed with the secretary of state, and application made for the issuance of a certificate to do business as a bank, the superintendent of banks, provided he has not withheld granting his certificate for any of the reasons set forth in section one hundred twenty-seven hereof, shall ascertain, from the best sources of information at his command, whether the character and general fitness of the persons named as stockholders are such as to command the confidence of the community in which such bank is proposed to be located, and, if so satisfied, he shall, within sixty days after such application has been made to him, issue,

Issuance of certificate.

under his hand and official seal, the certificate of authorization required by this act. The superintendent of banks shall transmit a duplicate of such certificate of authorization to the county clerk of the county in which the principal place of business of such bank is located, and he shall file the same in his office. The superintendent of banks shall also file a duplicate of such certificate in his own office.

SEC. 81. Section one hundred thirty of said act is hereby amended to read as follows:

Report to
superin-
tendent of
banks.

Section 130. Every bank, organized under the laws of this state, shall, whenever required by the superintendent of banks, make a report in writing to him, verified by the oath of its president and its secretary or cashier, or two principal officers. Such reports shall show the actual financial condition of the bank making the report, at the close of any past day designated by the superintendent, and shall specify the following:

1. The amount of its capital stock and the number of shares into which it is divided.

2. The names of the directors and the number of shares of stock held by each.

3. The total amount of capital actually paid in, in cash, and the total amount of surplus, reserve and any other funds.

4. The total amount due the depositors.

5. The total amount and character of any other liabilities it may have.

6. The amount at which the lot and building occupied by the bank for the transaction of its regular business stands debited on its books; also the market value of all other real estate held, whether acquired in settlement of loans or otherwise, the original cost to the bank, the date when acquired, the amount at which it stands debited on the bank books, in what counties situated, and in what name the title is vested, if not in the name of the bank itself.

7. The amount loaned on real estate, specifying the amount secured on real estate in each county separately; also specifying the name of the person in whose name the property is held in trust or as security, in case it is held in any name other than that of the bank and the instrument creating the security does not itself disclose the name of the bank.

8. The amount invested in bonds, designating the name and amount of each particular kind.

9. The amount loaned on stocks and bonds, designating each particular class and the amount thereof.

10. The amount of money loaned on other securities, with a particular designation of each class and the amount loaned on each.

11. The amount and kind of money on hand or deposited in any other bank or place, with the name of the place where deposited and the amount in each place.

12. Any other property held, or any amount of money loaned, deposited, invested or placed, not otherwise herein enumerated, and the place where situate and the value of said property, and the amount so loaned, deposited or placed.

13. The date on which examination of the bank was last made by its board of directors and the date on which report of such examination was filed, as required by section one hundred thirty-nine of this act. Report to superintendent of banks.

14. The outstanding and unpaid amounts of any loans made by the bank, which under the provisions of either section sixty-five or eighty-three of this act are required to be reported to the superintendent of banks.

15. Any overdrafts and any loans, investments, acts or omissions violative of or not in conformity with any provision of this act which may be specifically called for.

Every foreign corporation transacting the business of banking in this state shall make the report herein required as far as such report may relate to the affairs of such corporation in this state, and every foreign corporation must particularly render the report required by subdivisions three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen of this section. Such report shall be made in writing and verified by the oath of one of its duly authorized officers or managers residing in this state. The oaths of the officers and the statements above required shall state that they and each of them have a personal knowledge of the matters therein contained, and that they believe every allegation, statement, matter, and thing therein contained is true. Any wilful false statement in the premises shall be perjury and shall be punished as such. Report of foreign corporation.

SEC. 82. A new section is hereby added to said act to be numbered one hundred thirty *a*, and to read as follows:

Section 130*a*. In addition to the information obtained from the report required by the provisions of section one hundred thirty of this act, the superintendent of banks shall also have the power to require any bank to furnish a special report in writing verified as required by section one hundred thirty of this act, whenever in his judgment such special report is necessary to inform him fully of the actual financial condition and affairs of such bank. Any wilful false statement in the premises shall be perjury and shall be punished as such. Special reports.

SEC. 83. Section one hundred thirty-one of said act is hereby amended to read as follows:

Section 131. The superintendent of banks shall call for the reports specified by section one hundred thirty of this act at least three times each year. The "past day designated by the superintendent" of banks under the provisions of section one hundred thirty of this act shall be as nearly as possible the day designated by the comptroller of currency of the United States for reports of national banking associations. Three reports each year.

SEC. 84. Section one hundred thirty-three of said act is hereby amended to read as follows:

Section 133. Whenever it shall appear from the report of any bank, or the superintendent of banks shall have reason to believe that the capital of any bank is impaired or reduced below the amount required by law, it shall be the When capital is impaired.

Assess-
ment.Public
sale.Private
sale.

duty of the superintendent of banks and he shall have the power to examine said bank and ascertain the facts, and in case he finds such impairment or reduction of capital, he shall require such bank to make good the deficiency so appearing within sixty days after the date of such requisition. The directors of every such bank, upon which such requisition shall have been made, shall levy an assessment upon the stock thereof to repair such deficiency, and shall cause notice of such requisition to be given to each stockholder of the bank and of the amount of the assessment which he must pay for the purpose of making good such deficiency, by a written or printed notice mailed to such stockholder at his last known address or served personally upon him. If any stockholder shall refuse or neglect to pay the assessment specified in such notice within thirty days from the date of mailing or serving such notice as aforesaid, the directors of such bank shall have the right to sell to the highest bidder at public auction the stock of such stockholder, after giving a previous notice of such sale for ten days in a newspaper of general circulation published in the county where the principal place of business of such bank is located, and a copy of such notice of sale shall also be served on the owner of such stock by being served personally on him or by mailing to his last known address ten days before the day fixed for such sale; or such stock may be sold at private sale and without such public notice; *provided, however,* that before making such private sale thereof an offer in writing shall first be obtained and a copy thereof served upon the owner of record of the stock sought to be sold, either personally or by mailing a copy of such offer to his last known address; and if, after service of such offer, such owner shall still refuse or neglect to pay such assessment within two weeks from the time of the service of such offer, the said directors may accept such offer and sell such stock to the person making such offer, or to any other person or persons making a larger offer than the amount named in the offer submitted to the stockholder; but such stock shall in no event be sold for a smaller sum than the valuation put on it by the superintendent of banks in his determination and requisition as to said assessment, nor for less than the amount of said assessment so called for and the expense of sale. Out of the avails of the stock so sold, the directors shall pay the amount of assessment levied thereon, and the necessary costs of sale, and the balance, if any, shall be paid to the person or persons whose stock has thus been sold. A sale of stock as herein provided shall effect an absolute cancellation of the outstanding certificate or certificates evidencing the stock so sold, and shall make the same null and void, and a new certificate shall be issued by the bank to the purchaser thereof.

Sec. 85. Section one hundred thirty-four of said act is hereby amended to read as follows:

Section 134. If it shall appear to the superintendent of banks that any bank has violated or failed to comply with the provisions of its articles of incorporation, or any law of this state, he may, by an order under his hand and official seal, which seal must be adopted by him, addressed to such bank, direct such bank to discontinue such violation and to comply with the law; or, if it shall appear to the superintendent of banks that such bank is conducting business in an unsafe or injurious manner, he may, in like manner direct the discontinuance of any such unsafe or injurious practices. Such order shall require such bank to show cause, before the superintendent of banks, at a time and place to be fixed by him, why said order should not be observed. If upon such hearing it shall appear to the superintendent of banks that such bank is conducting business in an unsafe or injurious manner, or is violating or failing to comply with the provisions of its articles of incorporation, or any law of this state, then the superintendent of banks shall make such order final, and such bank shall immediately comply with such order made by the superintendent of banks. Such bank shall have ten days after any such order is made final in which suit may be commenced to restrain enforcement of such order, and unless such action be so commenced and enforcement of said order be enjoined within ten days, by the court in which such suit is brought, then such bank shall comply with such order.

Violation
of law
by bank.

SEC. 86. Section one hundred thirty-five of said act is hereby repealed and a new section is hereby added to said act to be numbered 135 and to read as follows:

Section 135. Whenever the superintendent of banks shall deem it expedient he may call a meeting of the stockholders of any bank organized under the laws of this state, by a personal notice of such meeting for fifteen days previous thereto. All necessary expense incurred in the serving of such notice shall be borne by the bank whose stockholders are required to convene.

Superin-
tendent of
banks
may call
stock-
holders'
meeting.

SEC. 87. A new section is hereby added to said act, to be numbered one hundred thirty-five *a* and to read as follows:

Section 135*a*. If the capital of any bank shall be impaired, or if any bank shall refuse to submit its books, papers and concerns to the inspection of any examiner, or if any officer thereof shall refuse to be examined upon oath touching the concerns of such bank, or if such bank shall violate the provisions of its articles of incorporation, or any law of this state, or if such bank shall suspend payment of its obligations, or if such bank shall conduct its business in an unsafe or unauthorized manner, or if from any examination or report provided for by this act the superintendent of banks shall conclude that such bank is in an unsound or unsafe condition to transact the business for which it is organized, or that it is unsafe and inexpedient for it to continue business, an action to procure a judgment dissolving such corporation may be maintained by the superintendent of banks.

Action to
dissolve
bank
violating
law.

SEC. 88. Section one hundred thirty-six of said act is hereby amended to read as follows:

Superintendent of banks may take possession of bank violating law.

Section 136. Whenever it shall appear to the superintendent of banks that any bank has violated the provisions of its articles of incorporation or any law of this state, or is conducting its business in an unsafe or unauthorized manner, or if the capital of any bank is impaired, or if any bank shall refuse to submit its books, papers and concerns to the inspection of any examiner, or if any officer thereof shall refuse to be examined upon oath touching the concerns of any such bank, or if any bank shall suspend payment of its obligations, or if from any examination or report provided for by this act the superintendent of banks shall have reason to conclude that such bank is in an unsound or unsafe condition to transact the business for which it is organized, or that it is unsafe and inexpedient for it to continue business, or if any bank shall neglect or refuse to observe any order of the superintendent of banks specified in sections one hundred thirty-three or one hundred thirty-four of this act, the superintendent of banks may forthwith take possession of the property and business of such bank and retain such possession until such bank shall resume business, or its affairs be finally liquidated as herein provided.

Notice to other banks.

On taking possession of the property and business of any such bank the superintendent of banks shall forthwith give notice of such fact to any and all banks, trust companies, associations and individuals, holding or in possession of any assets of such bank. No bank, trust company, association or individual knowing of such taking possession by the superintendent of banks, or notified as aforesaid, shall have a lien or charge for any payment, advance or clearance thereafter made, or liability thereafter incurred against any of the assets of the bank of whose property and business the superintendent of banks shall have taken possession as aforesaid. Such bank may, with the consent of the superintendent of banks, resume business upon such conditions as may be approved by him. Upon taking possession of the property and business of any such bank the superintendent of banks shall have authority to collect moneys due to such bank and do such other acts as are necessary to conserve its assets and business, and shall proceed to liquidate the affairs thereof as hereinafter provided.

Resumption of business.

Collection of debts.

The superintendent of banks shall collect all debts due and claims belonging to it, and upon the order of the superior court may sell or compound any bad or doubtful debts. If a purchaser for any bad or doubtful debts cannot be obtained and it appears improbable that recovery thereon can be had and that the costs of actions to enforce collection of the same would probably be lost, the court may direct that suits thereon need not be brought. On like order he may sell any real or personal property of such bank on such terms as the court shall direct; and may, if necessary to pay the debts of such bank, enforce the constitutional individual liability of stockholders by action to be brought within three years after the date of his taking

Action against stockholders.

possession of the affairs of such bank. The superintendent of banks shall determine the necessity of such action and the amount necessary to recover from the stockholders to fully pay all liabilities of such bank. Such action may be in equity and against all stockholders upon whom service of process in the State of California can be had, and the court may therein determine and provide for any equities as between the stockholders including the proportions of each stockholder to any surplus of money or assets that may remain after the payment of all liabilities and the expenses of liquidation. The superintendent of banks may also maintain an action against any stockholder residing out of the state or upon whom service of process cannot be had within the state, in any court of the United States or of any state or country. Any judgment so obtained by the superintendent of banks against such or any of such stockholders which is of doubtful value may be compromised and compounded by the superintendent of banks on such terms and conditions as the superior court may direct or authorize. The superintendent of banks shall file a notice of pendency of action in the county recorder's office of the county where such action is brought. At any time prior to the trial of any such action, any creditor may serve upon the superintendent of banks and file with the court wherein such action is pending, notice that he elects to maintain an action against the stockholders or any of them, in his individual capacity and thereupon the amount sued for in such action shall be reduced accordingly and such creditor shall not be entitled to share in the proceeds resulting from such action brought by the superintendent of banks. For the purpose of executing and performing any of the powers and duties hereby conferred upon him, the superintendent of banks may, in the name of the delinquent bank or in his own name, prosecute and defend any and all suits and other legal proceedings and may, in the name of the delinquent bank or in his own name as trustee execute, acknowledge and deliver any and all deeds, assignments, releases and other instruments necessary and proper to effectuate any sale of real or personal property or sale or compromise or compound authorized by order of the court as herein provided; and any deed or other instrument, executed pursuant to the authority hereby given, shall be valid and effectual for all purposes, as though the same had been executed by the officers of the delinquent bank by authority of its board of directors. In case any of the real property so sold is located in a county other than the county in which the application to the court for leave to sell the same is made, the superintendent of banks shall cause a certified copy of the order authorizing or ratifying such sale to be filed in the office of the recorder of the county in which the said real property is located. The superintendent of banks may, under his hand and official seal, appoint one or more special deputy superintendents of banks, as agent or agents, with the powers specified in the certificate of appointment hereinafter mentioned, to assist him in the

Notice of
pendency
of action.

Superin-
tendent of
banks
may prose-
cute and
defend.

Deputies
to assist
in liquida-
tion.

duty of liquidation and distribution, the certificate of appointment to be filed in the office of the superintendent of banks, and a certified copy in the office of the clerk of the county in which the principal office of such bank is located.

Special
deputy.

The superintendent of banks may from time to time, by a certificate of appointment under his hand and official seal, specifying the powers conferred, authorize a special deputy superintendent to perform such duties connected with such liquidation and distribution as the superintendent of banks may deem proper. Such certificate of appointment shall be filed in the office of the superintendent of banks and a certified copy in the office of the clerk of the county in which the principal office of such bank is located.

Counsel.

The superintendent of banks may employ such counsel and procure such expert assistance and advice as may be necessary in the liquidation and distribution of the assets of such bank, and for that purpose may retain such of the officers or employces of such bank as he may deem necessary. The superintendent of banks shall require from a special deputy superintendent and from such assistants such security for the faithful discharge of their duties as he may deem proper.

Notice by
publication.

The superintendent of banks shall cause notice to be given by advertisement, in such newspapers as he may direct, weekly for three consecutive months, calling on all persons who may have claims against such bank to present the same to the superintendent of banks, and make legal proof thereof at a place and within a time, not earlier than the last day of publication, to be therein specified.

Notice by
mail.

The superintendent of banks shall mail a similar notice to all persons whose names appear as creditors upon the books of the bank. If the superintendent of banks doubts the justice and validity of any claim, he may reject the same, and serve notice of such rejection upon the claimant, either by mail or personally. An affidavit of the service of such notice, which shall be prima facie evidence thereof shall be filed with the superintendent of banks.

Action
on rejected
claim.

Any action upon a claim so rejected must be brought within six months after such service. Claims presented after the expiration of the time fixed in the notice to creditors shall be entitled to share in the distribution only to the extent of the assets in the hands of the superintendent of banks equitably applicable thereto.

Inventory.

Upon taking possession of the property and assets of any bank, the superintendent of banks shall make an inventory of the assets of such bank in duplicate, one to be filed in the office of the superintendent of banks, and one with the papers in said proceeding in the office of the clerk of the county in which the principal office of such bank is located; upon the expiration of the time fixed for the presentation of claims the superintendent of banks shall make in duplicate a full and complete list of the claims presented, including and specifying such claims as have been rejected by him, one to be filed in the office of the superintendent of banks, and one with the papers in said proceeding in the office of the clerk of the county in which the principal office of such bank

List of
claims.

is located. Thereafter he shall make and file in said offices as above provided at least fifteen days before each application to the court for leave to declare a dividend a supplemental list of the claims presented since the last preceding list was filed, including and specifying such claims as have been rejected by him, and in any event he shall make and file as above provided such a list at least once every six months after the filing of the original list, as long as he shall remain in possession of the property and business of any such bank. Such inventory and list of claims shall be open at all reasonable times to inspection. The compensation of the special deputy superintendents, counsel and other employces and assistants, and all expenses of supervision and liquidation, shall be fixed by the superintendent of banks and shall upon the certificate of the superintendent of banks be paid out of the funds of such bank in the hands of the superintendent of banks. All such expenses must be reported by the superintendent of banks to the superior court of the county where the principal place of business of such bank is located and settled by such court upon notice to such bank. The moneys collected by the superintendent of banks shall be from time to time deposited in one or more state banks of deposit, savings banks or trust companies, and, in case of the suspension or insolvency of the depository, such deposits shall be preferred before all other deposits. At any time after the expiration of the date fixed for the presentation of claims the superior court may by order authorize the superintendent of banks to declare out of the funds remaining in his hands after the payment of expenses one or more dividends, and after the expiration of one year from the first publication of notice to creditors he may declare a final dividend, such dividends to be paid to such persons, and in such amounts, and upon such notice, as may be directed by the superior court of the county in which the principal office of such bank is located. Objections to any claim not rejected by the superintendent of banks may be made by any party interested by filing a copy of such objections with the superintendent of banks, who shall present the same to the superior court at the time of the next application to declare a dividend. The court to which such application is made shall thereupon dispose of said objections or may order a reference for that purpose, and should the objections to any claim be sustained by the court or by the referee, such claim shall not be allowed by the superintendent of banks until the claimant shall have established his claim by the judgment of a court of competent jurisdiction. The court must make proper provision for unproved or unclaimed deposits.

Compensation of special deputies, etc.

Moneys collected.

Dividends.

Objection to claims.

Should any bank at the time the superintendent of banks takes possession of its property and business, have in its possession, as bailee for safekeeping and storage, any jewelry, plate, money, specie, bullion, stocks, bonds, securities, valuable papers or other valuable personal property or should it have rented any vaults, safes or safe deposit boxes or any portion

Notice to holders of deposit boxes.

thereof for the storage of property of any kind, the superintendent of banks may at any time thereafter cause to be mailed to the person claiming to be or appearing upon its books to be the owner of such property, or the person in whose name the safe, vault or box stands, a notice in writing in securely closed, postpaid registered letter, directed to such person at his post office address as recorded upon its books, notifying such person to remove, within a period fixed by said notice and not less than sixty days from the date thereof, all such personal property and upon the date fixed by said notice, the contract, if any, between such person and bank for the storage of said property or for the use of the said safe, vault or box shall cease and determine, and the amount of the unearned rent or charges, if any, paid by such person shall become a debt of the bank to said person. If the property be not removed within the time fixed by the notice, the superintendent of banks may make such disposition of said property as the superior court, upon application thereto, shall direct. And the superintendent of banks may cause any safe, vault or box to be opened in his presence or in the presence of one of the special deputy superintendents of banks, and of a notary public not an officer or in the employ of the bank or of the superintendent of banks, and the contents thereof, if any, to be sealed up by such notary public in a package upon which such notary public shall distinctly mark the name and address of the person in whose name such safe, vault or box stands upon the books of the bank and shall attach thereto a list and description of the property therein; and the package so sealed and addressed, together with the list and description, may be kept by the superintendent of banks in one of the general safes or boxes of the bank until delivered to the person whose name it bears, or until otherwise disposed of as directed by the court. Whenever any such bank of whose property and business the superintendent of banks has taken possession as aforesaid, deems itself aggrieved thereby, it may, at any time within ten days after such taking possession, apply to the superior court in the county in which the principal office of such bank is located to enjoin further proceedings; and said court, after citing the superintendent of banks to show cause why further proceedings should not be enjoined, and hearing the allegations and proofs of the parties and determining the facts may, upon the merits, dismiss such application or enjoin the superintendent of banks from further proceedings, and direct him to surrender such business and property to such bank. An appeal as above provided shall operate as a stay of the judgment of the superior court, and no bond need be given if the appeal be taken by the superintendent of banks; but if the appeal be taken by such bank, a bond shall be given, as required by section nine hundred forty-three of the Code of Civil Procedure. Whenever the superintendent of banks shall have paid to each and every depositor and creditor of such bank whose claim or claims as such creditor

Boxes
may be
opened.

May en-
join pro-
ceedings.

After pay-
ment of
claims.

or depositor shall have been duly proved and allowed, the full amount of such claims, and shall have made proper provision for unclaimed and unpaid deposits or dividends, and shall have paid all the expenses of the liquidation, the superintendent of banks shall call a meeting of the stockholders of such bank giving notice thereof for thirty days in one or more newspapers published in the county where the principal office of such bank is located. At such meeting the stockholders shall determine whether the superintendent of banks shall be continued as liquidator and shall wind up the affairs of such bank, or whether an agent or agents shall be elected for that purpose, and in so determining the said stockholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and the majority of the stock shall be necessary to a determination. In case it is determined to continue the liquidation under the superintendent of banks, he shall complete the liquidation of the affairs of such bank, and after paying the expenses thereof, shall distribute the proceeds among the stockholders in proportion to the several holdings of stock in such manner and upon such notice as may be directed by the superior court. In case it is determined to appoint an agent or agents to liquidate, the stockholders shall thereupon select such agent or agents by ballot, a majority of the stock present and voting, in person or by proxy, being necessary to a choice. Such agent or agents shall execute and file with the superintendent of banks a bond to the people of the state in such amount, with such sureties and in such form as shall be approved by the superintendent of banks, conditioned for the faithful performance of all the duties of his or their trust, and thereupon the superintendent of banks shall transfer and deliver to such agent or agents all the undivided and uncollected or other assets of such bank then remaining in his hands; and upon such transfer and delivery, the said superintendent of banks shall be discharged from any and all further liability to such bank and its creditors. Such agent or agents shall convert the assets coming into his or their possession into cash, and shall account for and make distribution of the property of said bank as is herein provided in the case of distribution by the superintendent of banks, except that the expenses thereof shall be subject to the direction and control of a court of record of competent jurisdiction. In case of the death, removal or refusal to act of any such agent or agents, the stockholders, on the same notice, to be given by the superintendent of banks upon proof of such death, removal or refusal to act being filed with him, and by the same vote hereinbefore provided, may elect a successor, who shall have the same powers and be subject to the same liabilities and duties as the agent originally elected. Dividends and unclaimed deposits remaining unpaid in the hands of the superintendent of banks for six months after the order for final distribution shall be by him deposited with the state treasurer in the same manner and subject to the

Meeting
of stock-
holders.

Agent to
liquidate.

Death of
agent.

Unclaimed
deposits.

same disposition as provided for in section one thousand two hundred thirty-four of the Code of Civil Procedure. The superintendent of banks may pay over the moneys so held by him to the persons respectively entitled thereto upon being furnished satisfactory evidence of their right to the same. In cases of doubt or conflicting claims he may require an order of the superior court authorizing and directing the payment thereof.

SEC. 89. A new section is hereby added to said act, to be numbered 136a and to read as follows:

Bank
ceasing
to exist.

Section 136a. Any bank which has ceased to do a banking business whether through voluntary action on its part or through expiration of its corporate existence, shall immediately liquidate its affairs and any unclaimed deposits or dividends shall be paid into the state treasury in the manner and for the purposes provided in section one hundred thirty-six of this act within six months after the date such bank ceased to conduct a banking business, and in case the superintendent of banks shall have reason to conclude that the liquidation of such bank is not being safely or expeditiously conducted, he may take possession of the property of such bank and liquidate its affairs in the same manner as provided in section one hundred thirty-six of this act. Whenever any bank of whose property the superintendent of banks has taken possession as aforesaid, deems itself aggrieved thereby, it may within the time and in like manner and effect as provided in section one hundred thirty-six of this act apply to the superior court to enjoin further proceedings.

SEC. 90. A new section is hereby added to said act to be numbered one hundred thirty-six b and to read as follows:

Jurisdic-
tion in
superior
court.

Section 136b. In any action or proceeding brought under any provision of this act, exclusive original jurisdiction shall be vested in the superior court of the county in which is located the principal place of business of the bank affected thereby, and all proceedings relating to the same matter, under any provision of this act, including proceedings for liquidation of the affairs of any such bank, shall be filed with and treated as a part of the record in such original proceedings, and all papers relating to any such action or proceeding, including the copy of certificate of appointment of any special deputy and the inventories required to be filed in the matter of any such liquidation, shall be filed with and made a part of the record of such original proceeding, without the payment of any additional fees therefor, and in any such action no damage may be awarded, but the action otherwise shall be tried and determined according to the provisions of the Code of Civil Procedure.

SEC. 91. Section one hundred thirty-seven of said act is hereby amended to read as follows:

Right to
dissolve.

Section 137. 1. Any bank shall have the right, on application of the stockholders or members to apply to the superior court of the county wherein its principal place of business is

situated, to dissolve said bank in the manner provided for in title six, part three of the Code of Civil Procedure.

2. At the expiration of four months after the settlement of the final account of the receiver of any bank appointed prior to July 1, 1909, any dividends due depositors, or other creditors, or stockholders of such bank and remaining unpaid or uncalled for and in the hands of such receiver may be paid by him into the treasury of the county in which such bank is situated which money shall be held in the treasury of said county, and at the same time it shall be the duty of such receiver to furnish to the county treasurer of said county a list of names of all depositors or other persons to whom such money belongs or who are entitled thereto and thereupon such receiver shall be entitled to his discharge.

Discharge
of receiver.

3. The moneys referred to in subdivision two of this section shall be paid out on the order of the court appointing such receiver.

4. All moneys paid under subdivision two of this section, uncalled for within five years after being paid in, shall by operation of law, and without action had, escheat to the state. All moneys held by any county treasurer under subdivision two of this section, when such moneys have escheated to the state as hereinbefore provided, shall be paid by the county treasurer into the state treasury, and thereafter only be drawn out in such manner as may be provided for by law for the estates of deceased persons escheated to this state.

Uncalled
moneys
escheat.

5. The state board of control must invest such moneys in the same manner that the state school land fund is invested as provided by law. But any claimant shall be entitled to recover as herein provided only the principal so paid into the state treasury.

Invested.

SEC. 92. Section one hundred thirty-eight of said act is hereby amended to read as follows:

Section 138. If any bank shall fail to make any report required by the provisions of section one hundred thirty or one hundred thirty a of this act, within ten days from the day designated for the making thereof by the superintendent of banks, or to include therein any matter required by the provisions of either of said sections, it shall forfeit to the people of the state the sum of one hundred dollars for each day that any such report shall be so delayed or withheld by the failure or neglect of such bank. In the event of the failure of any such bank to make any such report required from it, the superintendent of banks may, in his discretion, immediately cause the books, papers and affairs of such bank to be examined at the expense of such bank.

Penalty
for failure
to report.

SEC. 93. Section one hundred thirty-nine of said act is hereby amended to read as follows:

Section 139. It shall be the duty of the board of directors of every bank to examine fully into the books, papers and affairs of the bank of which they are directors, and particularly into the loans and discounts thereof, with a special view to

Duty of
board of
directors.

ascertaining the value and security thereof, and of the collateral security, if any given, in connection therewith, and into such other matters as the superintendent of banks may require; such examination to be made at least once a year, but no such subsequent yearly examinations shall be made within three months of the next preceding examination. Such directors shall have power to employ such assistance in making such examinations as they may deem necessary. Within ten days after the completion of such examination, a report in writing thereof, sworn to by the directors making the same, shall be made by the board of directors of such bank, and placed on file with the records of said bank, and shall be subject to examination by the superintendent of banks. Such report shall particularly contain a statement of the assets and liabilities of the bank examined, as shown by its books, together with any deductions from the assets, or additions to liabilities, which such directors or committee, after such examination, may determine to make. It shall also contain a statement, in detail, of loans, if any, which in their opinion are worthless or doubtful, together with their reasons for so regarding them; also a statement of loans made on collateral security, which in their opinion are insufficiently secured, giving in each case the amount of the loan, the name and market value of the collateral, if it has any market value, and, if not, a statement of that fact, and its actual value as nearly as possible. Such report shall also contain a statement of overdrafts, of the names and amounts of such as they consider worthless or doubtful, and a full statement of such other matters as affect the solvency and soundness of the bank. If the directors of such bank shall fail to make such examination or fail to cause it to be made, or shall fail to file such report of such examination in the manner and within the time specified, the superintendent of banks shall have authority to make or cause to be made an extra examination of such bank at the expense of such bank.

Contents
of report.

Repealed.

SEC. 94. Section one hundred forty-three of said act is hereby repealed.

SEC. 95. Section one hundred forty-five of said act is hereby amended to read as follows:

Section 145. The powers, privileges, duties and restrictions conferred and imposed upon any corporation or individual existing and doing business under the laws of this state are hereby abridged, enlarged or modified as each particular case may require to conform to the provisions of this act, notwithstanding anything to the contrary in their respective articles of incorporation or charters. All the provisions of this act shall apply with equal force and effect to all corporations which are now doing or which may hereafter do a banking business in this state, except where express exception or exemption may be made herein. The legality of investments heretofore made, or title to property heretofore acquired or conveyed through transactions heretofore had by any bank pursuant to any provision of law in force when such invest-

Powers,
etc.,
abridged,
enlarged
or mod-
ified.

ments were made or transactions had, shall not be affected by the provisions of this act, except that any such investments made prior to July 1, 1909, when not complying with the provisions hereof, shall be changed to conform hereto; but such change shall be made gradually and in such manner as to prevent loss or embarrassment in the business of such bank, or unnecessary loss or injury to the borrowers on such security; *provided, further*, that in any event, all investments and securities and excess in investments made prior to July 1, 1909, which are not in conformity with the provisions and spirit of this act and which have been acquired and are now held by any bank, must be written off as assets of such bank prior to July 1, 1918; and no bank holding any such investments or securities acquired prior to July 1, 1909, shall after July 1, 1918, be permitted to pay any dividends to its stockholders until it shall have written off all such non-conforming investments or securities; *and provided, further*, that the legality of any investments heretofore lawfully made, pursuant to the provisions of this act as it existed on and subsequent to July 1, 1909, shall not be affected by the provisions of this section.

Conformity by July 1, 1918.

CHAPTER 105.

An act to amend section 290a of the Civil Code of the State of California relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository or trustee or to engage in the business of banking.

[Approved May 8, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 290a of the Civil Code of the State of California, is hereby amended to read as follows:

290a. Before the secretary of state issues any certificate of incorporation to any corporation, authorized in its articles of incorporation to conduct the business of acting as executor, administrator, guardian of estates, assignee, receiver, depository, or trustee under appointment of any court or by authority of any law of this state, or as trustee for any purpose permitted by law, and before he files any amended articles of incorporation authorizing such purposes if the principal place of business of such corporation is in a city of which the population does not exceed one hundred thousand persons, there must be filed in his office the affidavit of all the directors of such corporation that at least one hundred thousand dollars of the capital stock has actually been subscribed and paid in in cash to a person named in such affidavit, for the conduct of such trust business and for the exclusive benefit and protection of the creditors of such trust business, and if the principal place of business is in a city, the population of which exceeds one hundred thousand persons, there must be filed in

Capital stock of trust companies in cities of less than 100,000.

In cities of more than 100,000.

his office the affidavit of all the directors of such corporation that at least two hundred thousand dollars of the capital stock has actually been subscribed and paid in in cash to a person named in such affidavit, for the conduct of such trust business and for the exclusive benefit and protection of the creditors of such trust business and before he issues any certificate of incorporation to any corporation authorized in its articles of incorporation to engage in the business of banking, or of receiving the money of others on deposit, there must in like manner be filed the affidavit herein that a capital stock, as follows, has actually been subscribed, and paid in in cash to a person named in such affidavit, for the benefit of the corporation:

In places
of less
than
5,000.

(a) In any locality in which the population does not exceed five thousand persons, not less than twenty-five thousand dollars if it is incorporated to transact either a commercial or savings business or both, or not less than one hundred twenty-five thousand dollars if it is incorporated to transact both a commercial and trust business, or not less than one hundred twenty-five thousand dollars if it is incorporated to transact both a savings and trust business and not less than one hundred twenty-five thousand dollars if it is incorporated to transact a commercial, savings and trust business.

In cities of
more than
5,000.

(b) In any city in which the population is more than five thousand persons but does not exceed twenty-five thousand persons, not less than fifty thousand dollars if it is incorporated to transact either a commercial or savings business or both, or not less than one hundred fifty thousand dollars if it is incorporated to transact both a commercial and trust business, or not less than one hundred fifty thousand dollars if it is incorporated to transact both a savings and trust business, and not less than one hundred fifty thousand dollars if it is incorporated to transact a commercial, savings and trust business.

In cities
of more
than
25,000.

(c) In any city in which the population is more than twenty-five thousand persons, but does not exceed one hundred thousand persons, not less than one hundred thousand dollars if it is incorporated to transact either a commercial or savings business or both, or not less than two hundred thousand dollars if it is incorporated to transact both a commercial and trust business, or not less than two hundred thousand dollars if it is incorporated to transact both a savings and trust business, and not less than two hundred thousand dollars if it is incorporated to transact a commercial, savings and trust business.

In cities
of more
than
100,000.

(d) In any city in which the population is more than one hundred thousand persons but does not exceed two hundred thousand persons, not less than two hundred thousand dollars if it is incorporated to transact either a commercial or savings business or both, or not less than four hundred thousand dollars if it is incorporated to transact both a commercial and trust business, or not less than four hundred thousand dollars

if it is incorporated to transact both a savings and trust business, and not less than four hundred thousand dollars if it is incorporated to transact a commercial, savings and trust business.

(e) In any city in which the population exceeds two hundred thousand persons, not less than three hundred thousand dollars if it is incorporated to transact either a commercial or savings business or both, or not less than five hundred thousand dollars if it is incorporated to transact both a commercial and trust business, or not less than five hundred thousand dollars if it is incorporated to transact both a savings and trust business, and not less than five hundred thousand dollars if it is incorporated to transact a commercial, savings and trust business.

In cities
of more
than
200,000.

For the purposes of this section, the population shown and determined by the last preceding federal census, or any subsequent census compiled and certified under any law of this state, shall be deemed to be the population of any city in which such corporation is to be organized. If the principal place of business of any corporation so organized is located outside of the corporate limits of any city, then the population of that portion of the judicial township in which said corporation is to have its principal place of business, which is not included within the boundaries of any municipal corporation, as such population is shown and determined by such federal or subsequent official census, shall be the basis for classifications under the provisions of this section.

Popula-
tion.

CHAPTER 106.

An act making an appropriation to pay the claim of the California Highway Construction Company against the State of California.

[Approved May 8, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of fifty thousand seventy-five and 22/100 dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of the California Highway Construction Company, a corporation, against the State of California.

Appro-
priation:
California
Highway
Construc-
tion Co.

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum herein made payable to the California Highway Construction Company, a corporation, and the state treasurer is directed to pay the same; it is, however, provided, that before the said warrant be issued there shall be filed with the state controller the approval of said claim by the state department of engineering and the state board of control.

CHAPTER 107.

An act appropriating money for the completion of a dam and reservoir at Mendocino State Hospital.

[Approved May 8, 1913. In effect immediately.]

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

Appropriation:
Mendocino State
Hospital.

SECTION 1. The sum of twelve thousand five hundred dollars (\$12,500.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the completion of a dam and reservoir at Mendocino State Hospital.

Current
expenses.

SEC. 2. This act inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

CHAPTER 108.

An act appropriating money to provide a cash revolving fund for the use of the state engineer and defining its use and the liability therefor.

[Approved May 8, 1913. In effect immediately.]

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

Appropriation:
revolving
fund,
engineering
department.

SECTION 1. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to provide the state engineer with a cash revolving fund to facilitate the work of the department of engineering. All or any part of said money may be drawn from the state treasury upon approval of the state board of control without the submission of receipts, vouchers or itemized statements and used by the state engineer in advancing cash payments for labor, material and supply bills where such payments are necessary for the proper conduct of the business of the department, said bills to be subsequently paid for out of the appropriation against which they are a proper charge and the money returned to the cash revolving fund. The state engineer shall be liable on his bond for the money so advanced to him and may, to protect himself, require sufficient bond of the different employees under him who use and disburse the same for him. He must account for the money herein appropriated at any time upon demand of the state board of control or state controller.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant on the state treasury for the

amount herein appropriated and the state treasurer is directed to pay the same.

SEC. 3. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately. Current expenses.

CHAPTER 109.

An act making an appropriation for the pay of officers and employees of the assembly for the fortieth session of the legislature.

[Approved May 12, 1913. In effect immediately.]

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

SECTION 1. The sum of four thousand three hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the pay of officers and employees of the assembly for the fortieth session of the legislature. Appropriation: pay of assembly officers.

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately. Current expenses.

CHAPTER 110.

An act to make an appropriation for the contingent expenses of the assembly for the session of the fortieth legislature of the State of California during the sixty-fourth fiscal year.

[Approved May 12, 1913. In effect immediately.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of three thousand dollars for the contingent expenses of the assembly for the session of the fortieth legislature of the State of California during the sixty-fourth fiscal year. Appropriation: contingent expenses of assembly.

SEC. 2. This act inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately. Current expenses.

CHAPTER 111.

An act appropriating money for the support and maintenance of the state prison at Folsom.

[Approved May 15, 1913. In effect immediately.]

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

Appropriation:
Folsom
prison.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for the support and maintenance of the state prison at Folsom.

Current
expenses.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 112.

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

[Approved May 17, 1913. In effect August 10, 1913.]

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

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

Peace-
officers.

§17. A peace-officer is a sheriff of a county, or a constable, marshal, or policeman of a township, city, or town, or inspectors of the California state board of pharmacy, not exceeding ten in number.

CHAPTER 113.

An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this state, providing for escheats in certain cases, prescribing the procedure therein, and repealing all acts or parts of acts inconsistent or in conflict herewith.

[Approved May 19, 1913. In effect August 10, 1913.]

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

Ownership
of land
by aliens.

SECTION 1. All aliens eligible to citizenship under the laws of the United States may acquire, possess, enjoy, transmit and inherit real property, or any interest therein, in this state, in the same manner and to the same extent as citizens of the United States, except as otherwise provided by the laws of this state.

SEC. 2. All aliens other than those mentioned in section one of this act may acquire, possess, enjoy and transfer real property, or any interest therein, in this state, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise, and may in addition thereto lease lands in this state for agricultural purposes for a term not exceeding three years.

Right to acquire and lease lands.

SEC. 3. Any company, association or corporation organized under the laws of this or any other state or nation, of which a majority of the members are aliens other than those specified in section one of this act, or in which a majority of the issued capital stock is owned by such aliens, may acquire, possess, enjoy and convey real property, or any interest therein, in this state, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such members or stockholders are citizens or subjects, and not otherwise, and may in addition thereto lease lands in this state for agricultural purposes for a term not exceeding three years.

Corporations, majority of members aliens, may acquire and lease lands.

SEC. 4. Whenever it appears to the court in any probate proceeding that by reason of the provisions of this act any heir or devisee can not take real property in this state which, but for said provisions, said heir or devisee would take as such, the court, instead of ordering a distribution of such real property to such heir or devisee, shall order a sale of said real property to be made in the manner provided by law for probate sales of real property, and the proceeds of such sale shall be distributed to such heir or devisee in lieu of such real property.

Probate court may order lands sold.

SEC. 5. Any real property hereafter acquired in fee in violation of the provisions of this act by any alien mentioned in section two of this act, or by any company, association or corporation mentioned in section three of this act, shall escheat to, and become and remain the property of the State of California. The attorney general shall institute proceedings to have the escheat of such real property adjudged and enforced in the manner provided by section 474 of the Political Code and title eight, part three of the Code of Civil Procedure. Upon the entry of final judgment in such proceedings, the title to such real property shall pass to the State of California. The provisions of this section and of sections two and three of this act shall not apply to any real property hereafter acquired in the enforcement or in satisfaction of any lien now existing upon, or interest in such property, so long as such real property so acquired shall remain the property of the alien, company, association or corporation acquiring the same in such manner.

Lands illegally acquired to escheat to state.

SEC. 6. Any leasehold or other interest in real property less than the fee, hereafter acquired in violation of the provisions of this act by any alien mentioned in section two of this act, or by any company, association or corporation men-

Leasehold illegally acquired to escheat to state.

tioned in section three of this act, shall escheat to the State of California. The attorney general shall institute proceedings to have such escheat adjudged and enforced as provided in section five of this act. In such proceedings the court shall determine and adjudge the value of such leasehold, or other interest in such real property, and enter judgment for the state for the amount thereof together with costs. Thereupon the court shall order a sale of the real property covered by such leasehold, or other interest, in the manner provided by section 1271 of the Code of Civil Procedure. Out of the proceeds arising from such sale, the amount of the judgment rendered for the state shall be paid into the state treasury and the balance shall be deposited with and distributed by the court in accordance with the interest of the parties therein.

Act not
limit on
power of
state.

SEC. 7. Nothing in this act shall be construed as a limitation upon the power of the state to enact laws with respect to the acquisition, holding or disposal by aliens of real property in this state.

SEC. 8. All acts and parts of acts inconsistent, or in conflict with the provisions of this act, are hereby repealed.

CHAPTER 114.

An act to amend section two thousand nine hundred eighty-one of the Political Code relating to the meetings of the state board of health and the duties of the secretary thereof.

[Approved May 19, 1913. In effect August 10, 1913.]

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

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

Meetings
of state
board of
health.

2981. The board must meet at least once in every three months, at Sacramento, unless otherwise hereafter provided by law. Four members shall constitute a quorum for the transaction of any business. Special meetings may be held upon the call of the president or secretary. Notice of all meetings must be given by the secretary, by mailing such notice to the members of the board at least three days prior to the date of such meetings. The members must elect from their own number a president, a vice-president and a permanent secretary. In the absence of the secretary, or a vacancy in his office, the vice-president shall perform the duties of and exercise the powers of the secretary. The secretary shall be a civil executive officer and shall also be the executive officer of the board. He must devote his entire time to the duties of the office, and his office shall be kept at the same place where the meetings of the state board of health are required by law to be held. The members of the board shall receive their actual and necessary traveling expenses while in the service of the board. Such expenses shall be paid out of the general fund of the state treasury.

Secretary.

Expenses.

CHAPTER 115.

An act to amend section one thousand seven hundred and fifty-five of the Political Code of the State of California, relating to the estimate of tax for building high schools and to making additions thereto.

[Approved May 19, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one thousand seven hundred and fifty-five of the Political Code of the State of California is hereby amended to read as follows:

1755. It shall be the duty of every high school board to make and file with the board of supervisors of each county in which any part of their high school district is situated, on or before the first Monday of September next succeeding the formation of said district, an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications and erecting a suitable building, of supplying the same with furniture and necessary apparatus, and of fencing and ornamenting the grounds, for the accommodation of the school, unless such high school board shall have secured or leased temporary quarters for the use of such high school, as provided in section seventeen hundred forty-one, or unless bonds shall have been voted for said purposes. If such high school board shall have secured or leased such temporary quarters, they shall, on or before the first Monday of September next before the termination of such lease or arrangement, either make another arrangement for temporary quarters, as provided in section seventeen hundred forty-one, or make and file with the board, or boards of supervisors aforesaid, an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications, and of erecting a suitable building, of supplying the same with furniture and necessary apparatus, and of fencing and ornamenting the grounds for the accommodation of the school, or for making additions or improvements to such buildings when once erected, or for buying new or additional furniture, or for the purchase of additional school grounds, or for providing any other school facilities, unless bonds shall have been voted for said purposes. Every county board of education, acting as trustees of a county high school, shall make and file with the board of supervisors of their county the estimates required by this section. Should the trustees of any county high school, or the high school board of any high school district, fail to make the estimate provided for in this section, it shall be the duty of the superintendent of schools of such county, or having jurisdiction over such high school district, to make and file such estimate on or before the second Monday of September; *provided*, the total tax for high school purposes shall not exceed seventy-five cents on each one hundred dollars assessed valuation, exclusive of bond and interest rate.

Estimate
of cost
of high
school
building.

Filing of
estimate

Limit
on tax.

CHAPTER 116.

An act to amend section seventeen hundred fifty-six of the Political Code of the State of California, relating to the maintenance of high schools.

[Approved May 19, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one thousand seven hundred and fifty-six of the Political Code of the State of California is hereby amended to read as follows:

Estimate
for main-
taining
high
school.

1756. It shall be the duty of every high school board to make and file with the board of supervisors of each county in which any part of their high school district is situated, on or before the first Monday of September of each year, an estimate of the amount of money required for maintaining the high school for the current school year, including rent or construction of temporary quarters, if any, or additions to plants already constructed. The first such estimate after the formation of such district shall also, if temporary quarters have been secured for the high school, include the amount of money required to provide the necessary furniture and apparatus for such temporary quarters. Every county board of education acting as trustees of a county high school shall annually make and file with the board of supervisors of their county the estimate required by this section, and an estimate of the amount needed for the current year to pay for the education of all high school pupils residing in such county outside of a high school district and attending a high school in another county, such estimate to be based upon the report of the superintendent of schools of such adjoining county provided for by section 1758 of this code. Should the trustees of any county high school, or the high school board of any high school district fail to make the estimate provided for by this section, it shall be the duty of the superintendent of schools of the county, or having jurisdiction over such high school district, to make and file such estimate on or before the second Monday of September.

Pupils
outside
of dis-
trict.

CHAPTER 117.

An act to make an appropriation for maintenance of the Lake Tahoe wagon road.

[Approved May 20, 1913. In effect immediately.]

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

Appro-
priation:
Lake
Tahoe
wagon
road.

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum

of three thousand dollars for maintenance of the Lake Tahoe wagon road.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant on the state treasury for the amount herein appropriated and the state treasurer is hereby directed to pay the same.

SEC. 3. This act, inasmuch as it provides for an appropriation for usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately. Current expenses.

CHAPTER 118.

An act to make an appropriation for maintenance of the Trinity-Humboldt state road.

[Approved May 21, 1913. In effect immediately.]

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

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated in accordance with law, the sum of ten thousand dollars for maintenance of the Trinity-Humboldt state road. Appropriation. Trinity-Humboldt state road.

SEC. 2. This act, inasmuch as it provides for an appropriation for usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

SEC. 3. Of the sum hereby appropriated, five thousand dollars shall be made available immediately and five thousand dollars shall be made available April 1, 1914. Current expenses.

CHAPTER 119.

An act to make an appropriation for maintenance of the state road from Meyers station to McKinneys.

[Approved May 21, 1913. In effect immediately.]

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

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of two thousand dollars in accordance with law for maintenance of the state road from Meyers station to McKinneys. Appropriation. road to McKinneys.

SEC. 2. This act, inasmuch as it provides for an appropriation for usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately. Current expenses.

CHAPTER 120.

An act to make an appropriation for maintenance of the Alpine state highway.

[Approved May 21, 1913. In effect immediately.]

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

Appropriation:
Alpine
highway.

SECTION 1. There is hereby appropriated out of the moneys in the state treasury, not otherwise appropriated, in accordance with law the sum of six thousand dollars for maintenance of the Alpine state highway.

Current
expenses.

SEC. 2. This act, inasmuch as it provides for an appropriation for usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 121.

An act making an appropriation for maintenance of the Emigrant Gap state road.

[Approved May 21, 1913. In effect immediately.]

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

Appropriation:
Emigrant
Gap road.

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, in accordance with law for maintenance of the Emigrant Gap state road.

Current
expenses.

SEC. 2. This act, inasmuch as it provides for an appropriation for usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 122.

An act to amend section 261 of the Penal Code relating to the crime of rape.

[Approved May 19, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 261 of the Penal Code is hereby amended to read as follows:

Rape
defined.

261. Rape is an act of sexual intercourse, accomplished with a female not the wife of the perpetrator, under either of the following circumstances:

1. Where the female is under the age of eighteen years;
2. Where she is incapable, through lunacy or other unsoundness of mind, whether temporary or permanent, of giving legal consent;

3. Where she resists, but her resistance is overcome by force or violence; Rape defined.

4. Where she is prevented from resisting by threats of great and immediate bodily harm, accompanied by apparent power of execution, or by any intoxicating narcotic, or anæsthetic, substance, administered by or with the privity of the accused;

5. Where she is at the time unconscious of the nature of the act, and this is known to the accused;

6. Where she submits under the belief that the person committing the act is her husband, and this belief is induced by any artifice, pretense, or concealment practised by the accused, with intent to induce such belief.

CHAPTER 123.

An act to amend section two hundred sixty-four of the Penal Code relating to the punishment for the crime of rape.

[Approved May 19, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 264 of the Penal Code is hereby amended to read as follows:

264. Rape is punishable by imprisonment in the state prison not more than fifty years, except where the offense is under subdivision 1 of section 261 of the Penal Code and the female is over the age of sixteen years and under the age of eighteen years in which case the punishment shall be by imprisonment in the county jail for not more than one year or in the state prison for not more than fifty years, and in such case the jury shall determine by their verdict whether the punishment shall be by imprisonment in the county jail or in the state prison. Punishment for rape.

CHAPTER 124.

An act to amend section seven hundred and nineteen of the Political Code of the State of California, relating to the employment by the superintendent of the capitol building and grounds of gardeners, laborers, porters and other help and fixing the compensation of such employees.

[Approved May 19, 1913. In effect August 10, 1913.]

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

SECTION 1. Section seven hundred nineteen of the Political Code of the State of California is hereby amended so as to read as follows:

719. The superintendent may employ such competent

Compensation of capitol park gardeners, etc.

assistant gardeners at a salary of one hundred dollars each per month, and such regular and temporary laborers, porters and other help for the proper conduct and care of the capitol and grounds, as may be deemed necessary by said superintendent and the state board of control. Said laborers, porters and other help shall receive as compensation for their services three dollars and fifty cents per diem, each; said wages shall be paid only from money appropriated for such purposes. Such assistant gardeners and regular laborers, porters, appointees and employees shall have the power of peace officers.

CHAPTER 125.

An act to amend section seventeen hundred and seventy-three of the Code of Civil Procedure of the State of California - relating to guardians.

[Approved May 19, 1913. In effect August 10, 1913]

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

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

Inventory of ward's estate.

1773. Every guardian must return to the court a verified inventory of the estate of his ward within three months after his appointment. He must annually thereafter, and at such other times as directed by the court, render a verified account of the estate of his ward. All the estate of the ward described in the first inventory must be appraised by appraisers appointed, sworn, and acting in the manner provided for regulating the settlement of the estates of decedents. Such inventory, with the appraisal of the property therein described, must be recorded by the clerk of the court in a proper book kept in his office for that purpose and whenever any ward is or has been during the guardianship confined in a state hospital for the insane in this state a copy of said inventory must be served upon the secretary of the state commission in lunacy or its attorney. Whenever any other property of the estate of any ward is discovered, not included in the inventory of the estate already returned, and whenever any other property, has been succeeded to, or acquired by any ward, or for his benefit, the like proceedings must be had for the return and appraisal thereof and the service of the same as are herein provided in relation to the first inventory and return. If within the time prescribed, or within such further time, not exceeding two months which the court or judge shall for reasonable cause allow, the guardian neglects or refuses to return the inventory or render his account, the court, may, upon notice, revoke the letters of guardianship and the guardian shall be liable on his bond for any injury to the estate, or any person interested therein, arising from such failure.

Refusal of guardian to return inventory.

CHAPTER 126.

An act to amend section seventeen hundred and seventy-four of the Code of Civil Procedure of the State of California relating to guardians.

[Approved May 19, 1913. In effect August 10, 1913.]

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

SECTION 1. Section seventeen hundred and seventy-four of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1774. The guardian must upon the expiration of a year from the time of his appointment and as often thereafter as he may be required, present his account to the court for settlement and allowance; *provided*, that no account of the guardian of any insane person, who is or has been during such guardianship confined in a state hospital in this state, shall be settled or allowed unless notice of the settlement of said account shall have been first given to the secretary of the state commission in lunacy or its attorney at least five days before the hearing. The termination of the relation of guardian and ward by the death of either guardian or ward or by the ward attaining his majority or being restored to capacity shall not cause the court to lose jurisdiction of the proceeding for the purpose of settling the accounts of the guardian.

Account of guardian.

CHAPTER 127

An act to amend section seventeen hundred and seventy-seven of the Code of Civil Procedure of the State of California relating to guardians.

[Approved May 19, 1913. In effect August 10, 1913.]

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

SECTION 1. Section seventeen hundred and seventy-seven of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1777. When the income of an estate under guardianship is insufficient to maintain the ward and his family or to maintain and educate the ward when a minor, or to pay for his care, treatment and support, if confined in a state hospital for the insane, his guardian may sell his real or personal estate, or mortgage the real estate for that purpose, upon obtaining an order therefor; *provided*, that no such order shall be granted when the ward is or has been, during the guardianship, confined in a state hospital for the insane in this state unless notice of the proceedings shall have been given to the secretary of the state commission in lunacy or its attorney at least five days before the hearing.

When income from ward's estate is insufficient.

CHAPTER 128.

An act to amend section two thousand nine hundred and thirty-nine and one half of the Civil Code, relating to the manner of satisfying mortgages by foreign executors, administrators and guardians.

[Approved May 19, 1913. In effect August 10, 1913.]

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

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

Satisfying mortgages by foreign executors.

2939½. Foreign executors, administrators and guardians may satisfy mortgages upon the records of any county in this state, upon producing and recording in the office of the county recorder of the county in which such mortgage is recorded, a duly certified and authenticated copy of their letters testamentary, or of administration or of guardianship, and which certificate or authentication shall also recite that said letters have not been revoked.

CHAPTER 129.

An act to amend section nine hundred forty-six of the Code of Civil Procedure, relating to the release, by undertaking and appeal, of property under levy.

[Approved May 19, 1913. In effect August 10, 1913.]

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

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

Release of property under levy, on appeal.

946. Whenever an appeal is perfected, as provided in the preceding sections of this chapter, it stays all further proceedings in the court below upon the judgment or order appealed from, or upon the matters embraced therein, and releases from levy property which has been levied upon under execution issued upon such judgment; *provided, however*, said property shall not be released from the levy, if the respondent excepts to the sufficiency of the sureties within five days after the giving of the undertaking staying execution until such sureties, or others, justify in the manner prescribed by law; but the court below may proceed upon any other matter embraced in the action and not affected by the order appealed from. And the court below may in its discretion, dispense with or limit the security required by this chapter, when the appellant is an executor, administrator, trustee, or other person acting in another's right. An appeal does not continue in force an attachment, unless an undertaking be executed and filed on the part of the appellant by at least two sureties, in double the

Attachment not continued.

amount of the debt claimed by him, that the appellant will pay all costs and damages which the respondent may sustain by reason of the attachment, in case the order of the court below be sustained; and unless, within five days after the entry of the order appealed from, such appeal be perfected.

CHAPTER 130.

An act to amend section 370 of the Code of Civil Procedure, relating to parties to civil actions when a married woman is a party.

[Approved May 21, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 370 of the Code of Civil Procedure is hereby amended to read as follows:

370. When a married woman is a party, her husband must be joined with her, except:

1. When the action concerns her separate property, including action for injury to her person, libel, slander, false imprisonment or malicious prosecution, or her right or claim to the homestead property, she may sue alone.

2. When the action is between herself and her husband, she may sue or be sued alone.

3. When she is living separate and apart from her husband by reason of his desertion of her, or by agreement, in writing, entered into between them, she may sue or be sued alone.

CHAPTER 131.

An act to amend the Civil Code of the State of California, by adding a new section thereto to be known and numbered section 171a, relating to husband's liability for wife's torts.

[Approved May 21, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Civil Code of the State of California to be known and numbered section 171a to read as follows:

171a. For civil injuries committed by a married woman, damages may be recovered from her alone, and her husband shall not be liable therefor, except in cases where he would be jointly liable with her if the marriage did not exist.

CHAPTER 132.

An act to amend the Civil Code of the State of California, by adding a new section thereto, to be known as section 196a, relating to the support and education of an illegitimate child.

[Approved May 22, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby created to be added to the Civil Code and to be known as section 196a thereof, to read as follows:

Support
of illegit-
imate child.

196a. The father as well as the mother, of an illegitimate child must give him support and education suitable to his circumstances. A civil suit to enforce such obligations may be maintained in behalf of a minor illegitimate child, by his mother or guardian, and in such action the court shall have power to order and enforce performance thereof, the same as under sections 138, 139 and 140 of the Civil Code, in a suit for divorce by a wife.

CHAPTER 133.

An act to amend section 367c of the Penal Code of the State of California, relating to the duties of drivers and persons in charge of vehicles when the same collide with a person or another vehicle containing a person, and prescribing a penalty for the failure to perform such duty.

[Approved May 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 367c of the Penal Code of the State of California is hereby amended to read as follows:

Duty of
drivers in
vehicles in
collision.

367c. Whenever an automobile, motor cycle, or other motor vehicle, or any vehicle whatsoever, regardless of the power by which the same may be propelled or drawn, strikes any person, or collides with any vehicle containing a person, the driver of, and all persons in, such automobile, motor cycle or other motor vehicle, or other vehicle, who have or assume authority over such driver, shall immediately cause such automobile, motor cycle, or other motor vehicle, or other vehicle, to stop, and shall render to the person struck, or to the occupants of the vehicle collided with, all necessary assistance including the carrying of such person or occupant to a physician or surgeon for medical or surgical treatment, if such treatment be required, or if such carrying is requested by the person struck or the occupant of the vehicle struck; and such driver, and person having or assuming authority over such driver, shall further give to the occupants of such vehicle or person struck, the number of such automobile, motor cycle, or other motor vehicle, or other vehicle, if the same have a number, together

with the name and address of the driver of such automobile, motor cycle, or other motor vehicle, or other vehicle, also the name of the owner thereof and the name of the passenger; or passengers not exceeding five in such automobile, motor cycle, or other motor vehicle, or other vehicle at the time of such striking or collision. Any person violating any of the provisions of this section is punishable by imprisonment in the state prison not exceeding five years or in the county jail not exceeding one year, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment. Penalty.

CHAPTER 134.

An act to amend sections 1160 and 1164 of the Political Code, relating to time of opening and closing the polls.

[Approved May 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1160 of the Political Code is hereby amended to read as follows:

1160. The polls must be opened at six o'clock a.m. of the day of election, and must be kept open until seven o'clock p.m. of the same day, when the polls shall be closed, except as provided in section 1164 of this code. Opening and closing of polls.

SEC. 2. Section 1164 of the Political Code is hereby amended to read as follows:

1164. When the polls are closed, that fact must be proclaimed aloud at the place of election; and after such proclamation, no ballot must be received; *provided, however,* that if at the hour of closing there are any other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after seven o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. Proclamation on closing.

CHAPTER 135.

An act to amend section 427 of the Code of Civil Procedure of the State of California, relating to joinder of causes of action.

[Approved May 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 427 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Section 427. The plaintiff may unite several causes of action in the same complaint, where all arise out of— Joinder of causes of action.

1. Contracts, express or implied;
2. Claims to recover specific real property, with or without damages for the withholding thereof, or for waste committed thereon, and the rents and profits of the same;
3. Claims to recover specific personal property, with or without damages for the withholding thereof;
4. Claims against a trustee by virtue of a contract or by operation of law;
5. Injuries to character;
6. Injuries to person;
7. Injuries to property;
8. Claims arising out of the same transaction, or transactions connected with the same subject of action, and not included within one of the foregoing subdivisions of this section.

Causes to
belong to
one class,
etc.

The causes of action so united must all belong to one only of these classes, and must affect all the parties to the action, and not require different places of trial, and must be separately stated; but an action for malicious arrest and prosecution, or either of them, may be united with an action for either an injury to character or to the person; *provided, however*, that in any action brought by the husband and wife to recover damages caused by any injury to the wife, all consequential damages suffered or sustained by the husband alone, including loss of the services of his said wife, moneys expended and indebtedness incurred by reason of such injury to his said wife, may be alleged and recovered without separately stating such cause of action arising out of such consequential damages suffered or sustained by the husband.

CHAPTER 136.

An act to amend section ten hundred eighty-three of the Political Code relating to the qualifications of electors.

[Approved May 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section ten hundred and eighty-three of the Political Code of the State of California is hereby amended to read as follows:

Qualifica-
tions of
electors.

1083. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the state one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, and who has conformed to the law governing the registration of voters, shall be a qualified elector at any and all elections held within the county, city and county, city, town, or district within which such elector resides.

CHAPTER 137.

An act to amend section 1203 of the Penal Code of the State of California relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

[Approved May 23, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1203 of the Penal Code of the State of California is hereby amended to read as follows:

1203. After plea or verdict of guilty, where discretion is conferred upon the court as to the extent of the punishment, the court, upon oral suggestions of either party, or of its own motion, that there are circumstances which may properly be taken into view, either in aggravation or mitigation of the punishment, may in its discretion refer the same to the probation officer, directing said probation officer to investigate, and to report, recommending either for or against release upon probation, at a specified time, and the court shall hear the same summarily at such specified times, and upon such notice to the adverse party as it may direct. At such specified time, if it shall appear from the report furnished by the probation officer, or otherwise, and from the circumstances, of any person over the age of eighteen (18) years, so having pleaded guilty, or having been convicted of crime, that there are circumstances in mitigation of the punishment, or that the ends of justice shall be subserved thereby, the court shall have power, in its discretion, to place the defendant upon probation in the manner following:

Hearing
on pro-
bation.

1. The court, judge or justice thereof, may suspend the imposing, or the execution of sentence, and may direct that such suspension may continue for such period of time not exceeding the maximum possible term of such sentence, except as hereinafter set forth, and upon such terms and conditions as it shall determine, which terms and conditions may include, in the discretion of the court, the requirements of bonds for the appearance of the person released upon probation before the court, at any time that the court may require such appearance in the investigation of any alleged violation of said terms and conditions of probation and such bonds may be at any time by the court exonerated without affecting any of the other terms or conditions of such probation; and in case of such suspension of imposition or execution of sentence, the court shall place such person on probation and under the charge and supervision of the probation officer of said court, during such suspension; *provided, however,* that where the maximum possible term of such sentence is less

Suspension of
sentence.

Bonds.

than two years, then such period of suspension of imposition or execution of sentence may, in the discretion of the court, continue for not over two years. Where the offense consists of a violation of section 270 or 270a of the Penal Code of the State of California, such suspension of imposition or execution of sentence may, in the discretion of the court, continue for not over five years.

Opportunity to pay fine.

2. If the judgment is to pay a fine, and the defendant be imprisoned until it be paid, the court, judge, or justice, upon imposing sentence, may direct that the execution of the sentence of imprisonment be suspended for such period of time, not exceeding the maximum possible term of such sentence, and on such terms as it shall determine, and shall place the defendant on probation, under the charge and supervision of the probation officer during such suspension, to the end that he may be given the opportunity to pay the fine; *provided, however*, that upon the payment of the fine being made, judgment shall be satisfied and the probation cease.

Rearrest.

3. At any time during the probationary term of the person released on probation, in accordance with the provisions of this section, any probation officer may, without warrant, or other process, at any time until the final disposition of the case, rearrest any person so placed in his care and bring him before the court, or the court may, in its discretion, issue a warrant for the rearrest of any such person and may thereupon revoke and terminate such probation, if the interest of justice so requires, and if the court, in its judgment, shall have reason to believe from the report of the probation officer, or otherwise, that the person so placed upon probation is violating the conditions of his probation, or engaging in criminal practices, or has become abandoned to improper associates, or a vicious life. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment after the said suspension of the sentence for any time within the longest period for which the defendant might have been sentenced, but if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the person shall be delivered over to the proper officer to serve his sentence.

May pronounce judgment.

Court may revoke order.

4. The court shall have power at any time during the term of probation to revoke or modify its order of suspension, of imposition or execution of sentence. It may, at any time, when the ends of justice will be subserved thereby, and when the good conduct and reform of the person so held on probation shall warrant it, terminate the period of probation and discharge the person so held, and in all cases, if the court has not seen fit to revoke the order of probation and impose sentence or pronounce judgment, the defendant shall, at the end of the term of probation, be by the court discharged.

5. Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, shall at any time prior to the expiration of the maximum period of punishment for the offense of which he has been convicted, dating from said discharge from probation or said termination of said period of probation, be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty; or, if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusation or information against such defendant who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted.

Change
of plea.

6. The same probation officers and assistant probation officers and deputy probation officers shall serve under this act as are appointed under the act known as the juvenile court law, and entitled "An act concerning dependent and delinquent minor children, providing for their care, custody, and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent acts," approved March 8, 1909, or under any laws amending or superseding the same.

Probation
officers to
serve.

7. Whenever any person is released upon probation under the provisions of this act, the case may be transferred to any court of the same rank in any other county, or city and county, of this state in which such person resides, or to which such person may remove, and such court shall thereupon commit such person to the care and custody of the probation officer of the county, or city and county, to which such person has been transferred; such court shall thereafter have entire jurisdiction over such case, with like power to make transfer whenever to such court such transfer may seem proper.

Transfer
of case.

8. At the time of the plea or verdict of guilty of any crime of any person over eighteen years of age, the probation officer of the county of the jurisdiction of said crime shall, when so directed by the court, inquire into the antecedents, character, history, family environment, and offense of such person, and must report the same to the court, and file his report in writing in the records of said court. His report shall contain his recommendation for or against the release of such person on probation. If any such person shall be released on probation and committed to the care of the probation officer, such officer shall keep a complete and accurate record in suitable books or other form in writing, of the history of the case in court, and of the

Report on
person's
antecedents.

name of the probation officer, and his acts in connection with said case; also the age, sex, nativity, residence, education, habits of temperance, whether married or single, and the conduct, employment, and occupation, and parents' occupation, and condition of such person so committed to his care during the term of such probation and the result of such probation. Such record of such probation officer shall be and constitute a part of the records of the court, and shall at all times be open to the inspection of the court, or of any person appointed by the court for that purpose, as well as of all magistrates, and the chief of police, or other head of the police, unless otherwise ordered by the court. Said books of record shall be furnished for the use of said probation officer of said county, and shall be paid for out of the county treasury.

Report of
probation
officers.

8a. Every probation officer, within fifteen days after the 30th day of June, and within fifteen days after the 31st day of December, of each year, shall make in writing and file as a public document with the county clerk a report to the superior court of the county or city and county in which such probation officer is appointed to serve, and shall furnish a copy of such report to each judge in said county or city and county who has released any person on probation who at the time of such report remains on probation; and a further copy to the secretary of the state board of charities and corrections. Such report shall state, without giving names, the exact number of persons, segregating male and female, and segregating misdemeanors and felons, who have been released on probation to such probation officer, as such number exists, deducting all cases of expiration, discharge, dismissal, and restoration of rights, on said 30th day of June and said 31st day of December; and such report shall further segregate such persons as having been released on probation, as the case may be, in 1903, 1904, 1905, and so on, up to and including the calendar year in which such report is made and filed.

Statement
of terms
of proba-
tion.

9. The probation officer shall furnish to each person who has been released on probation, and committed to his care, a written statement of the terms and conditions of his probation, unless such statement has been furnished by the court, and shall report to the court, judge or justice, releasing such person upon probation, any violation or breach of the terms and conditions imposed by such court on the person placed in his care.

Powers of
peace
officers.

10. Such probation officer shall have, as to the person so committed to the care of said probation officer, the powers of a peace officer.

CHAPTER 138.

An act to add a new section to the Political Code to be numbered section 1083a, relating to the signing up of certain petitions and nominating papers.

[Approved May 23, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered 1083a, and to read as follows:

1083a. Wherever, by the constitution or laws of this state, any initiative, referendum, recall or nominating petition is required to be signed by qualified electors, only an elector who is a registered qualified elector at the time he signs such petition, shall be entitled to sign the same.

Qualifications for signing petitions.

CHAPTER 139.

An act to amend sections 1230 and 1235 of the Political Code relating to the challenging of voters.

[Approved May 23, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1230 of the Political Code is hereby amended to read as follows:

1230. A person offering to vote may be orally challenged by any elector of the county upon either or all of the following grounds:

Grounds for challenging voters.

1. That he or she is not the person whose name appears on the register.

2. That he or she has not resided within the state one year next preceding the election.

3. That he or she has not been a naturalized citizen of the United States for ninety days prior to the election.

4. That he or she has not resided within the county for ninety days preceding the election.

5. That he or she has not resided within the precinct for thirty days next preceding the election.

6. That he or she has before voted that day.

7. That he or she has been convicted of an infamous crime.

8. That he or she has been convicted of the embezzlement or misappropriation of public money.

9. That he or she can not read as required by the constitution, and does not appear by statement in the affidavit of registration to be entitled to vote notwithstanding such inability.

SEC. 2. Section 1235 of the Political Code is hereby amended to read as follows:

1235. If the challenge is on the ground that the person

Test on challenge.

challenged has been convicted of an infamous crime, or that he or she has been convicted of the embezzlement or misappropriation of public money, he or she must not be questioned, but the fact may be proved by the production of an authenticated copy of the record, or by the oral testimony of two witnesses. If the challenge is on the ground that the person challenged can not read as required by the constitution, and it does not appear by the statement in the affidavit of registration that said person is entitled to vote notwithstanding such inability, the challenge shall be determined by the board by the inspection of the said affidavit, and by requiring the person offering to vote (if it does not appear from said affidavit that the person is entitled to vote notwithstanding such inability) to read any consecutive one hundred words of the constitution of the state selected by the judges.

CHAPTER 140.

An act to amend section 1262 of the Political Code of the State of California, relating to election returns.

[Approved May 23, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1262 of the Political Code of the State of California is hereby amended to read as follows:

Tally lists,
etc., on
inspection.

1262. The other list of voters, tally list, and list attached thereto must be sent to the county clerk or registrar, and retained by him open to inspection of all electors for at least six months.

CHAPTER 141.

An act to amend section 1285 of the Political Code of the State of California, relating to making election returns from a district.

[Approved May 23, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1285 of the Political Code of the State of California is hereby amended to read as follows:

Abstract
of district
election
returns.

1285. When there are officers, other than representatives in congress, members of the state board of equalization, and justices of district court of appeals voted for, who are chosen by the electors of a district composed of two or more counties, each of the county clerks of the counties composing such districts, immediately after making out the statement specified in section twelve hundred and eighty-two, must make a certified abstract of so much thereof as relates to the election of such officers.

CHAPTER 142.

An act to add a new section to the Political Code of the State of California to be known and designated as section 459a, relating to the giving of bonds by the deputy state treasurer, cashier, and bond officer of the treasurer and providing for the payment of premiums thereon.

[Approved May 23, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Political Code of the State of California to be known and designated as section 459a, and to read as follows:

459a. The deputy state treasurer shall execute an official bond to the State of California in the sum of fifty thousand dollars; the cashier in the state treasurer's office shall execute an official bond to the State of California in the sum of ten thousand dollars; and the bond officer in the state treasurer's office shall execute an official bond to the State of California in the sum of five thousand dollars. The premium on each of said bonds shall be paid by the state in the manner now provided by law, or as may be hereafter provided.

Bonds of deputy state treasurer, cashier and bond officer.

CHAPTER 143.

An act to amend section 1288 of the Political Code of the State of California, relating to the certification of election returns by the county clerk.

[Approved May 23, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1288 of the Political Code of the State of California is hereby amended to read as follows:

1288. When there has been a general or special election for officers chosen by the electors of the state at large, or for judicial officers (except justices of the peace), or for members of the state board of equalization, or for senators and members of the assembly, each county clerk so soon as the statement of the vote of his county is made out and entered upon the records of the board of supervisors, must make out a certified abstract of so much thereof as relates to the votes given or cast for persons for said offices to be filled at such election, together with a statement of the whole number of votes cast in the county as specified in section 1282. Whenever there is a general or special election held within this state, and any proposed constitutional amendment or proposition to be voted for by the electors of the state at large, each county clerk, so soon as the statement of the vote is made out and entered upon the record of the board of supervisors, must make out a certified abstract of such vote.

Certification of election returns.

CHAPTER 144.

An act to amend section four hundred and fifty-nine of the Penal Code of the State of California defining burglary.

[Approved May 19, 1913. In effect August 10, 1913.]

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

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

Burglary
defined.

459. Every person who enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, railroad car, mine, or any underground portion thereof, with intent to commit grand or petit larceny or any felony is guilty of burglary.

CHAPTER 145

An act to amend section three thousand eight hundred and four of the Political Code relating to taxes erroneously collected.

[Approved May 19, 1913. In effect August 10, 1913.]

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

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

Errone-
ously
collected
taxes.

3804. Any taxes, penalties or costs thereon heretofore or hereafter paid more than once, or heretofore or hereafter erroneously or illegally collected, or any taxes heretofore or hereafter paid upon an assessment in excess of the actual cash value of the property so assessed by reason of a clerical error of the assessor as to the excess in such cases, or any taxes heretofore or hereafter paid upon an erroneous assessment of improvements on real estate not in fact in existence when said taxes become a lien, may, by order of the board of supervisors, be refunded by the county treasurer. Whenever any payment shall have been made to the state treasurer by the county treasurer as provided by section thirty-eight hundred and sixty-five and section thirty-eight hundred and sixty-six of this code, and it shall afterwards appear to the satisfaction of the board of supervisors that a portion of the money so paid should be refunded as herein provided, said board of supervisors may refund such portion of the said taxes, penalties and costs so paid to the state treasurer, to the person paying the same or to his guardian, or in case of his death, to his executor or administrator, out of the general fund, and upon the rendering of the report required by section thirty-eight hundred and sixty-eight of this code the auditor shall certify to the controller, in such form as the controller may prescribe, all amounts so re-

Super-
visors may
refund.

funded, and in the next settlement of the county treasurer with the state, the controller, if satisfied of the legality of such refunding by the said board, shall give such treasurer credit for the state's portion of the amounts so refunded, as prescribed in section thirty-eight hundred and seventy-one of this code. When the taxes, penalties and costs hereinbefore referred to are levied in behalf of any school district or any municipal or other public corporation, and collected by the officers of the county, the same may be refunded upon order of the board of supervisors, and the county treasurer shall pay the amount to be refunded out of any money in his possession belonging to the appropriate fund of such school district or municipal or other public corporation. No order for the refund of taxes, penalties or costs under this section shall be made except upon a verified claim therefor verified by the person who has paid said tax, or by his guardian, or in case of his death, by his executor or administrator, which said claim must be filed within three years after the making of the payment sought to be refunded. In no case shall any judgment be rendered in favor of plaintiff in any action brought for the enforcement or allowance of any rights or claims under this section (except in actions brought by the county treasurer to enforce any credits hereinabove provided for) if the said action be brought by an assignee of the person paying said tax, or by any person other than the person who has paid said tax, or by his guardian, or in case of his death, by his executor or administrator.

In school district.

Verified claim.

CHAPTER 146.

An act to amend section three hundred and forty-five of the Civil Code of the State of California, relating to the extension of time of delinquent sale of stock in corporations.

[Approved May 20, 1913. In effect August 10, 1913.]

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

SECTION 1. Section three hundred and forty-five of the Civil Code of the State of California is hereby amended to read as follows:

345. The dates fixed in any notice of assessment or notice of delinquent sale, published according to the provisions hereof, may be extended from time to time for not more than thirty days, by order of the directors, entered on the records of the corporation, or by the secretary, or assistant secretary, of the corporation when delinquent sale is restrained by order of court, or by judge thereof; but no order extending the time for the performance of any act specified in any notice is effectual unless notice of such extension or postponement is appended to and published with the notice to which the order relates.

Extension of time of delinquent stock sale.

CHAPTER 147.

An act to amend section three hundred and twenty-one b of the Civil Code of the State of California, relating to the meetings of stockholders, who may vote thereat, and proxies.

[Approved May 20, 1913. In effect August 10, 1913.]

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

SECTION 1. Section three hundred and twenty-one b of the Civil Code of the State of California is hereby amended to read as follows:

Voting at
stock-
holders'
meetings.

321b. At all meetings of stockholders of corporations organized under the laws of this state, or in the case of corporations having no capital stock, then at all meetings of the members of such corporation, only the stockholders or members actually present shall be entitled to vote on any proposition, including the election of directors and other officers of the corporation, unless proxies from absent or non-attending stockholders or members shall be held by some person or persons present at such meeting and shall be executed in accordance with the provisions of this section. Every such proxy must be executed in writing by the member or stockholder himself, or by his duly authorized attorney. No proxy heretofore given or made shall be valid after the expiration of eleven months from the passage of this act, unless the member or stockholder executing it shall have specified therein the length of time for which such proxy is to continue in force, which must be for some limited period, and in no case to exceed seven years from the date of the execution of such proxy. No proxy hereafter to be given or made shall be valid after the expiration of eleven months from the date of its execution, unless the member or stockholder executing it shall have specified therein the length of time for which such proxy is to continue in force, which must be for some limited period, and in no case to exceed seven years from the date of the execution of such proxy. Every proxy shall be revocable at the pleasure of the person executing it; but a corporation having no capital stock may prescribe in its by-laws the persons who may act as proxies for members, and the length of time for which such proxies may be executed. Executors, administrators, guardians and trustees may give proxies.

Proxy.

Revoca-
tion.

CHAPTER 148.

An act to add a new section to the Political Code of the State of California, to be numbered one thousand and ninety-seven a, relating to elections and the registration of voters.

[Approved May 20, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be numbered one thousand and ninety-seven a, and to read as follows:

1097a. The affidavit of registration of any person who is a citizen of the United States by virtue of his father being a citizen thereof at the time of his birth shall, in lieu of the statements regarding naturalization required by the provisions of sections one thousand and ninety-six and one thousand and ninety-seven of the Political Code, contain the following statement, to wit: I am a citizen of the United States by virtue of my father being a citizen thereof at the time of my birth, and my father has resided in the United States. Said affidavit of registration shall also contain the statement that said person is or would be an elector of the county, or city and county, at the next ensuing election, and shall also contain all the other statements required by said sections one thousand ninety-six and one thousand and ninety-seven of the Political Code, excepting those regarding naturalization. The name of such persons must thereupon be entered by the officer charged with the registration of voters.

Registration of person gaining citizen ship through father.

CHAPTER 149.

An act to amend sections three hundred and two and three hundred and three of the Political Code of the State of California, relating to the attendance and examination of witnesses before the legislature and committees thereof.

[Approved May 20, 1913. In effect August 10, 1913.]

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

SECTION 1. Section three hundred and two of the Political Code of the State of California is hereby amended to read as follows:

302. If any witness neglects or refuses to obey such subpoena, or appearing, neglects or refuses to testify, or to produce upon reasonable notice any material and proper books, papers or documents in his possession or under his control, the senate, assembly or any committee thereof may by resolution entered on the journal of the senate or assembly or minutes of the committee, as the case may be, commit him for contempt; *provided*.

Failure of witness to appear, contempt.

however, that if any such contempt be committed before such committee during the session of the legislature, such committee shall report the contempt to the senate or assembly, as the case may be, for such action as may be deemed necessary by the senate or assembly.

SEC. 2. Section three hundred and three of the Political Code of the State of California is hereby amended to read as follows:

Warrant
of arrest.

303. Any witness neglecting or refusing to attend in obedience to subpoena may be arrested by the sergeant-at-arms and brought before the senate, assembly or committee thereof, as the case may be. The only warrant or authority necessary authorizing such arrest, is a copy of a resolution of the senate, the assembly or committee signed by the president of the senate, speaker of the assembly or chairman of the committee as the case may be and countersigned by the secretary of the senate, the clerk of the assembly or a majority of the members of any such committee, as the case may be.

CHAPTER 150.

An act to add a new section to the Code of Civil Procedure of the State of California, to be known as section 426a, relating to the complaint in actions for divorce.

[Approved May 20, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure of the State of California to be numbered four hundred and twenty-six *a* and to read as follows:

Statement
of facts in
divorce
complaint.

426a. In an action for divorce the complaint must set forth, for the statistics required to be collected by the state bureau of vital statistics, among other matters as near as can be ascertained the following facts:

- (1) The state or country in which the parties were married.
- (2) The date of marriage.
- (3) The date of separation.
- (4) The number of years from marriage to separation.
- (5) The number of children of the marriage, if any, and if none, a statement of that fact.
- (6) The ages of the minor children.

CHAPTER 151.

An act to amend section one thousand eight hundred and eighty-six of the Political Code of the State of California, relating to the minimum rate of interest, and sale of school bonds.

[Approved May 20, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one thousand eight hundred and eighty-six of the Political Code of the State of California is hereby amended to read as follows:

1886. Said bonds must not bear a greater amount of interest than six per cent, said interest to be payable annually or semi-annually, and said bonds must be sold in the manner prescribed by the board of supervisors, but for not less than par, and the proceeds of the sale thereof, together with any premium which may be received from the sale of said bonds, must be deposited in the county treasury to the credit of the building fund of said school district, and be drawn out for the purposes aforesaid as other school moneys are drawn out. All the proceedings of every school district and of every board of trustees, board of education, board of supervisors, and of all officers of school districts and counties, purporting to have been taken under or by authority of sections one thousand eight hundred and eighty to one thousand eight hundred and eighty-eight, inclusive, of the Political Code, shall be valid in the same manner and to the same extent as if sections one thousand eight hundred and eighty and one thousand eight hundred and eighty-four of said code, at the time when such proceedings were taken, in express language empowered the governing body of all school districts, by whatever name such governing body should be known, to call elections for the purposes set forth in said section one thousand eight hundred and eighty, and to receive and canvass returns, to cause a minute entry of the result of elections, and to certify proceedings to the board of supervisors, as provided by said section one thousand eight hundred and eighty-four. And all bonds of school districts purporting to have been issued under or by virtue of any or all of the following sections, to wit: sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight of the Political Code, shall be valid in the same manner and to the same extent as if said sections used the words "board of education, board of trustees, or other governing body," in place of the words "board of trustees," whenever the words "board of trustees" occur in said sections.

Rate of interest.

Validity of proceedings.

Validity of district bonds.

CHAPTER 152.

An act to amend section eight hundred fifty of the Code of Civil Procedure of the State of California relating to the requisites for notice of hearing in justices' courts.

[Approved May 20, 1913. In effect August 10, 1913.]

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

SECTION 1. Section eight hundred fifty of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Notice of hearing.

850. When all the parties served with process shall have appeared, or some of them have appeared, and the remaining defendants have made default, the justice must fix the day for the trial of said cause, whether the issue is one of law or fact, and give notice thereof to the parties to the action who have appeared, but in case any of the parties are represented by an attorney, then to such attorney. Such notice shall be in writing, signed by the justice, and substantially in the following form (filling blanks according to the facts):

Form.

In the justice court, _____ township (or city, or city and county), county, or city and county of _____ State of California _____ plaintiff, vs. _____ defendant.

To _____, plaintiff, or _____ attorney for plaintiff, and to _____ defendant, or, _____ attorney for defendant.

You and each of you will please take notice that the undersigned justice of the peace before whom the above-entitled cause is pending, has set for hearing the demurrer of _____, filed in said cause (or has set the said cause for trial, as the case may be), before me at my office in said township (or city, or city and county), at _____ o'clock _____ m., on the _____ day of _____, 19____

Dated this _____ day of _____ 19____

(Signed) _____

Justice of the Peace.

Service.

Said notice shall be served by mail or personally. When served by mail the justice of the peace shall deposit copies thereof in a sealed envelope in the post office at least ten days before the trial or hearing addressed to each of the persons on whom it is to be served at their place of residence and the postage prepaid thereon; *provided*, that such notice shall be served by mail only when the person on whom service is to be made, resides out of the county in which said justice's court is situated, or is absent therefrom. When personally served said notice shall be served at least five days before the trial or hearing on the persons on whom it is to be served by any person competent and qualified to serve a summons in a justice's court, and when personally served it shall be served, returned and filed in like manner as a summons. When a party has appeared by attorney the notice may be served in the manner

Service by mail.

prescribed by subdivision one of section 1011 of this code. The justice shall enter on his docket the date of trial or hearing; and when such notice shall have been served by mail the justice shall enter on his docket the date of mailing such notice, of trial or hearing and such entry shall be prima facie evidence of the fact of such service. The parties are entitled to one hour in which to appear after the time fixed in said notice, but are not bound to remain longer than that time unless both parties have appeared and the justice being present is engaged in the trial of another cause.

Docket entries.

CHAPTER 153.

An act to amend section two thousand two hundred and thirty-six of the Political Code of the State of California relating to and changing the name of the California Institution for the Deaf and the Blind.

[Approved May 20, 1913. In effect August 10, 1913.]

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

SECTION 1. Section two thousand two hundred and thirty-six of the Political Code of the State of California is hereby amended so as to read as follows:

Section 2236. The school of the deaf and dumb and blind located at Berkeley in Alameda county and heretofore known as the deaf, dumb and blind asylum shall hereafter be named and known and designated as the "California School for the Deaf and the Blind."

"California School for the Deaf and the Blind."

CHAPTER 154.

An act to amend section seven hundred sixty-three of the Code of Civil Procedure of the State of California, relating to the sale or partition of interests in real property and the appointment of referees therefor.

[Approved May 20, 1913. In effect August 10, 1913.]

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

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

763. If it appears by the evidence, whether alleged in the complaint or not, that the property or any part of it is so situated that partition cannot be made without great prejudice to the owners, the court may order the sale thereof; otherwise, upon the requisite proofs being made, it must order a partition according to the respective rights of the parties as ascertained by the court, and appoint three referees therefor, and must designate the portion to remain undivided for the owners

Partition of real property.

Referees.

whose interests remain unknown, or are not ascertained; or the court, with the consent of the parties, may appoint one referee instead of three, and he when appointed, has all the powers and may perform all the duties required of three referees; and the court must appoint as referee any person or persons to whose appointment all the parties have consented, and no person shall be appointed as referee who is disqualified from acting as an appraiser under the provisions of section fourteen hundred forty-four of the Code of Civil Procedure. When the site of an incorporated city or town is included with the exterior boundaries of the property to be partitioned, the court must direct the referees to survey and appraise the entire property to be partitioned by actual lots and subdivisions then existing in the actual possession of the several tenants in common, exclusive of the value of improvements thereon, first setting apart necessary portions of the property for ways, roads, and streets, as in section seven hundred sixty-four provided, and to report such survey and separate appraisement on each lot and subdivision to the court. The court may confirm, change, modify, or set aside the report in whole or in part, and if necessary appoint new referees. When, after the final confirmation of the report of such survey and appraisement, it appears by evidence to the satisfaction of the court that an equitable partition of the whole property is impracticable, and a sale of the site of such city or town, or any portion thereof, will be for the best interests of the owners of the whole property, it must order a sale thereof; *provided*, that within sixty days thereafter any tenant in common, or tenants in common, having improvements erected on any town or city lot or subdivision included in such order of sale, shall have the prior right to purchase the same at such appraised valuation, and may pay into court the amount so appraised as the value thereof, and upon such payment the title shall vest in such purchaser or purchasers, and the court shall cause to be executed by such referees a deed for such lot or subdivision in fee and in severalty to such purchaser or purchasers; such further proceedings shall then be had as to the remainder of the property, and the money so paid to the court, as by this chapter provided. If, during the pendency of the action, any of the parties die, or become insane, or otherwise incompetent, the proceedings shall not for that cause be delayed or suspended, but the attorney who has appeared for such party may continue to represent such interest; and in case any such party has not appeared by an attorney, the court must appoint an attorney to represent the interest which was held by such party, until his heirs or legal representatives, or successors in interest, shall have appeared in the action; and an attorney so appointed must be allowed by the court a reasonable compensation for his services, which may be taxed as costs against the share or interest represented by such attorney, and may be adjudged a lien thereon in the discretion of the court.

In incor-
porated
city.

Action of
court.

Sale.

Deed.

In case of
death of
party.

Attor-
ney's fees.

CHAPTER 155.

An act providing for the decoration of the rotunda on the main or ground floor of the state capitol building and making an appropriation therefor.

[Approved May 20, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of ten thousand dollars for the purpose of decorating the rotunda of the main or ground floor of the state capitol building. The decoration of said rotunda shall consist of mural paintings with appropriate and harmonious ceiling designs, and the mural work shall depict historical epoch periods of California.

Appropriation: decorating capitol rotunda.

SEC. 2. The state board of control shall call for and receive bids upon such work of decoration and shall enter into contract for the performance of said work with such person as shall have been the successful bidder therefor. The manner of making the award upon bids shall be fixed and determined by said board which shall have entire control and supervision of said work of decoration.

Bids for work.

SEC. 3. The state controller is hereby authorized and directed to draw his warrant for said sum of ten thousand dollars or such part or parts thereof, as may be authorized by the said state board of control, and the treasurer is hereby directed to pay the same.

CHAPTER 156.

An act to amend section 1332 and section 1333 of the Political Code of the State of California and to add four new sections thereto, to be numbered 1334, 1335, 1336 and 1337 relating to the election of senators in congress, and to repeal an act entitled "An act providing for placing the names of candidates for United States senator in congress upon the official ballot at general elections, for canvassing and making returns of the votes therefor, providing the method of notifying the legislature of the results of such election, and defining the duties of certain officers in relation thereto," approved April 7, 1911.

[Approved May 20, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1332 and section 1333 of the Political Code of the State of California are hereby amended so as to read as follows:

1332. Elections for senators in congress for full terms must be held at the general election, at which members of the legisla-

Election of United States senators.

ture are elected, next preceding the commencement of the term to be filled.

Vacancy. 1333. Elections to fill a vacancy in the term of a United States senator must be held at the general election or any special election held throughout the state next succeeding the occurrence of such vacancy.

SEC. 2. Four new sections are hereby added to the Political Code of the State of California, to be numbered 1334, 1335, 1336 and 1337, and to read as follows:

Abstract of vote for United States senators. 1334. The clerk of each county, as soon as the statement of the vote of his county at such election is made out and entered on the records of the board of supervisors, must make a certified abstract of so much thereof as relates to the vote given for persons for senators in congress.

To secretary of state. 1335. The clerk must seal up such abstract, indorse it "Congressional election returns for senator in congress," and without delay transmit it by mail to the secretary of state.

Declaration of vote. 1336. On the sixtieth day after the day of election, or as soon as the returns have been received from all of the counties of the state, if received within that time, the secretary of state must compare and estimate the votes given or cast for such persons for senator, and certify to the governor the person having the highest number of votes in the state as duly elected.

Governor's certificate. 1337. The governor must upon the receipt of such certificate, transmit to such person a certificate of his election, sealed with the great seal and attested by the secretary of state.

Repealed. SEC. 3. An act entitled "An act providing for placing the names of candidates for United States senator in congress upon the official ballot at general elections, for counting, canvassing and making returns of the votes therefor, providing the method of notifying the legislature of the results of such election, and defining the duties of certain officers in relation thereto," approved April 7, 1911, is hereby repealed.

CHAPTER 157.

An act to amend section thirteen hundred and thirty-three of the Penal Code of the State of California, relating to the manner of producing before a superior court, grand jury or magistrate a witness who is a prisoner in a state prison or county jail.

[Approved May 21, 1913. In effect August 10, 1913.]

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

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

Prisoner as material witness for people. 1333. When the testimony of a material witness for the people is required in a criminal action, before a court of record

of this state, or in an examination before a grand jury or magistrate for an offense triable in the superior court and such witness is a prisoner in a state prison or in a county jail, an order for his temporary removal from such prison or jail, and for his production before such court, grand jury or magistrate, may be made by the superior court of the county in which such action or examination is pending or by a judge thereof; but in case the prison or jail is out of the county in which the application is made, such order shall be made only upon the affidavit of the district attorney or other person, on behalf of the people, stating that the testimony is material and necessary; and even then the granting of the order shall be in the discretion of said superior court or a judge thereof. The order shall be executed by the sheriff of the county in which it shall be made, whose duty it shall be to bring the prisoner before the proper court, grand jury or magistrate, to safely keep him, and when he is no longer required as a witness, to return him to the prison or jail whence he was taken; the expense of executing such order shall be a proper charge against, and shall be paid by, the county in which the order shall be made.

Sheriff
to execute order.

Expenses.

CHAPTER 158.

An act to amend section one thousand two hundred and forty-eight of the Code of Civil Procedure of the State of California relating to what must be ascertained or assessed by the court, jury or referee at the trial of proceedings under title VII, part III of the Code of Civil Procedure.

[Approved May 22, 1913. In effect August 10, 1913.]

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

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

1248. The court, jury, or referee must hear such legal testimony as may be offered by any of the parties to the proceedings, and thereupon must ascertain and assess:

1. The value of the property sought to be condemned, and all improvements thereon pertaining to the realty, and of each and every separate estate or interest therein; if it consists of different parcels, the value of each parcel and each estate or interest therein shall be separately assessed;

Value of
property.

2. If the property sought to be condemned constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff;

Damages
to re-
mainder.

3. Separately, how much the portion not sought to be condemned, and each estate or interest therein, will be benefited, if at all, by the construction of the improvement proposed by

Benefits.

the plaintiff; and if the benefit shall be equal to the damages assessed under subdivision 2, the owner of the parcel shall be allowed no compensation except the value of the portion taken; but if the benefit shall be less than the damages so assessed, the former shall be deducted from the latter, and the remainder shall be the only damages allowed in addition to the value;

Benefits
by diversion
of
water.

4. If the property sought to be condemned be water or the use of water, belonging to riparian owners, or appurtenant to any lands, how much the lands of the riparian owner, or the lands to which the property sought to be condemned is appurtenant, will be benefited, if at all, by a diversion of water from its natural course, by the construction and maintenance, by the person or corporation in whose favor the right of eminent domain is exercised, of works for the distribution and convenient delivery of water upon said lands; and such benefit, if any, shall be deducted from any damages awarded the owner of such property.

Fences.

5. If the property sought to be condemned be for a railroad, the cost of good and sufficient fences, along the line of such railroad, and the cost of cattle-guards, where fences may cross the line of such railroad;

Removal
of structures.

6. If the removal or relocation of structures or improvements is sought, the cost of such removal or relocation and the damages, if any, which will accrue by reason thereof;

7. As far as practicable, compensation must be assessed for each source of damages separately.

Mortgage
on prop-
erty.

8. When the property sought to be taken is encumbered by a mortgage or other lien, and the indebtedness secured thereby is not due at the time of the entry of the judgment, the amount of such indebtedness may be, at the option of the plaintiff, deducted from the judgment, and the lien of the mortgage or other lien shall be continued until such indebtedness is paid.

CHAPTER 159.

An act to amend section one thousand two hundred and forty-eight a of the Code of Civil Procedure of the State of California relating to the removal or relocation of railroad, street, or interurban railway tracks on property sought to be taken under title VII, part III, of the Code of Civil Procedure.

[Approved May 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section twelve hundred forty-eight a. of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Condemna-
tion of
land for
railroads.

1248a. In any proceeding taken under the provisions of this title, where any railroad, street or interurban railway tracks are

situated on, upon, along or across any lands or rights of way sought to be taken therein, for road, highway, boulevard, street or alley purposes, or for the purposes of a right of way for any public utility to be constructed, completed and maintained by a county, city and county, or any incorporated city or town, or by a municipal water district, the plaintiff shall, if the complaint contains a prayer therefor, and shows the matter hereinafter provided, obtained a final judgment of condemnation ordering, in addition to the condemnation of such lands or right of way for the purposes set forth in the complaint, the relocation or removal of any railroad, street or interurban railway tracks thereon. Where the removal or relocation of such tracks is sought in any such proceedings, the complaint must contain a description of the location and proposed location of such tracks, and must be accompanied by a map showing such location and the proposed location of such tracks. The compensation to be paid for such relocation or removal of tracks shall be ascertained and assessed in the action, as in other cases, and separately from other sources of damage.

CHAPTER 160.

An act to amend section one thousand two hundred and fifty-one of the Code of Civil Procedure of the State of California relating to when a plaintiff in eminent domain proceedings must pay the sum of money assessed.

[Approved May 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section twelve hundred fifty-one of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1251. The plaintiff must, within thirty days after final judgment, pay the sum of money assessed. In case the plaintiff is the State of California, or is a public corporation, and it appears by affidavit that bonds of said state or public corporation must be issued and sold in order to provide the money necessary to pay the sum assessed, then such sum may be paid at any time within one year from the date of such judgment; *provided, further*, that if the sale of any such bonds cannot be had by reason of litigation affecting the validity thereof, then the time during which such litigation is pending shall not be considered a part of the one year's time in which such payment must be made. In case the use is for railroad purposes, the plaintiff may, at the time of or before payment, elect to build the fences and cattle-guards; and if he so elect, shall execute to the defendant a bond, with sureties to be approved by the court in double the assessed cost of the same. to build such fences and cattle-guards within eighteen months

Payment
of assess-
ment.

Time of
litigation
excluded.

Property
taken by
state.

from the time the railroad is built on the land taken, and if such bond be given, need not pay the cost of such fences and cattle-guards. In an action on such bond, the plaintiff may recover reasonable attorney's fees. In case of property being taken by the state or any county, or city and county, for highway purposes, the state or such county, or city and county, may elect to build the fences for which damages may have been assessed and in such case the amount assessed shall be deposited with the clerk of the court having jurisdiction of the action, and if such fences are not constructed within one year from the date of judgment the said money shall be paid to the defendant or defendants entitled thereto, or to his or their order, who shall immediately build said fences. In case the state, or county, or city and county, builds said fences the moneys deposited shall be returned to said state or county, or city and county, and in case the said moneys are paid to the owner or owners of the lands condemned and are not used for said purposes, within one year from the date of judgment, the same may be recovered by said state, or county, or city and county.

CHAPTER 161.

An act to create a reclamation district to be called "reclamation district number nine hundred ninety-nine," and providing for the control and management thereof.

[Approved May 22, 1913. In effect August 10, 1913.]

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

Recla-
mation
district
No. 999.

SECTION 1. A reclamation district is hereby created, to be called "reclamation district number nine hundred ninety-nine," and the boundaries of such reclamation district shall be as follows:

Bound-
aries.

Beginning at the southwest corner of reclamation district No. 900, said corner being on the line between township eight north, range three east, and township eight north, range four east, Mt. Diablo base and meridian; thence southwesterly in a straight line to the section corner common to sections two, three, ten, and eleven, township six north, range three east, Mt. Diablo base and meridian, and running thence in a straight line to the quarter section corner common to sections twenty-eight and twenty-nine, township six north, range three east, Mt. Diablo base and meridian; thence due south to the boundary line between Yolo and Solano counties, State of California; thence continuing due south to a point which is eight hundred feet south of the south bank of Duck slough; thence due east to the western boundary line of reclamation district No. 501, sometimes known as Ryer Island; thence northwesterly and easterly along the western and northern boundary lines of said reclamation district No. 501 to the northeast corner thereof; thence due east to the western

boundary line of reclamation district No. 349, sometimes known as Sutter Island; thence northeasterly along the said western boundary line of reclamation district No. 349 to the northwest corner thereof; thence northerly to the southwest corner of reclamation district No. 150, sometimes known as Merritt Island; thence northeasterly along the said western boundary of said reclamation district No. 150 to the Sacramento river; thence northwesterly along the said Sacramento river and following the meanders thereof to the southwestern boundary of reclamation district No. 307; and thence northwesterly and northeasterly along the southwestern and northwestern boundary lines of said reclamation district No. 307 to reclamation district No. 765; thence westerly and northeasterly along the southern and northwestern boundary lines of said reclamation district No. 765 to reclamation district No. 900; thence westerly and southerly along the boundary of said reclamation district No. 900 to the point of beginning, and being in the counties of Yolo and Solano, State of California.

SEC. 2. The management and control of said reclamation district is hereby made subject to the provisions of the Political Code of the State of California and other laws of this state relative to reclamation districts formed under the provisions of said Political Code. Management.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 162.

An act to amend section two thousand one hundred and ninety-seven of the Political Code of the State of California relating to actions brought by the state commission in lunacy.

[Approved May 22, 1913. In effect August 10, 1913.]

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

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

2197. The commission may in its own name bring an action to enforce payment for the cost of determining the insanity of any person and securing his admission into a state hospital when his estate or any person is liable for the same, or to recover for the use and benefit of any state hospital or for the state the amount due for the care, support, maintenance and expenses of any patient or inmate therein, against any county, or officer thereof, or against any person, guardian or relative liable for such care, support, maintenance and expenses. Action for costs, etc., in insanity cases.

CHAPTER 163.

An act to add a new section to the Code of Civil Procedure of the State of California to be numbered five hundred and eighty-one "b" relating to the dismissal of actions for want of prosecution after change of place of trial.

[Approved May 24, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure of the State of California to be known as section five hundred and eighty-one "b" and to read as follows:

Dismissal
of actions
after
transfer.

581b. No action heretofore or hereafter commenced, where the same was not originally commenced in the proper county, shall be further prosecuted, and no further proceedings shall be had therein, and all such actions heretofore or hereafter commenced must be dismissed by the court to which the same shall have been transferred, on its own motion, or on the motion of any party interested therein, whether named in the complaint as a party or not, where the costs and fees of transmission of the pleadings and papers therein to the clerk or justice of the court to which it is transferred, or of filing the papers anew, have not been paid by the plaintiff for one year after the time when such pleadings or papers shall have arrived in the custody of such clerk or justice. The clerk of such court, or such justice shall, where such court or justice desires to dismiss an action under the provisions of this section, file anew such transferred pleadings and papers without fee.

CHAPTER 164.

An act to amend section fifteen hundred fifty-seven of the Penal Code, relating to the accounts of persons employed in bringing back fugitives from justice, arrested in other states or foreign countries.

[Approved May 19, 1913. In effect August 10, 1913.]

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

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

Accounts
for re-
turning
fugitives.

1557. When the governor of this state, in the exercise of the authority conferred by section two, article four of the constitution of the United States, or by the laws of this state, demands from the executive authority of any state of the United States, or of any foreign government, the surrender to the authorities of this state of a fugitive from justice, who has been found and arrested in such state or foreign govern-

ment, the accounts of the person employed to bring back such fugitive must be audited by the board of control and paid out of the state treasury; *provided, however,* that the state shall not pay the expenses of any such person so employed where the fugitive returned is not placed on trial, but such expense shall be a charge upon the county asking the requisition.

CHAPTER 165. *... 1681*

An act to provide indemnity to persons erroneously convicted of felonies in the State of California.

[Approved May 24, 1913. In effect August 10, 1913.]

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

SECTION 1. Any person who, having been convicted of any crime against the State of California amounting to a felony, and having been imprisoned therefor in a state prison of this state shall hereafter, on a retrial of the case, or on reversal on appeal of the final judgment of conviction, be acquitted or discharged for the reason that the crime with which he was charged was either not committed at all, or, if committed, was not committed by him, or who shall hereafter be granted a pardon by the governor of this state for either of the foregoing reasons, or who, being innocent of the crime with which he was charged for either of the foregoing reasons, shall have served the term for which he was imprisoned, may, under the conditions hereinafter provided, present a claim against the state to the state board of control for the pecuniary injury sustained by him through such erroneous conviction and imprisonment. Claim of persons erroneously convicted.

SEC. 2. Such claim, accompanied by a statement of the facts constituting the claim, verified in the manner provided for the verification of complaints in civil actions, must be presented by the claimant to the board of control within a period of six months after judgment of acquittal or discharge given, or after pardon granted, or after release from imprisonment, and at least four months prior to the next meeting of the legislature of this state; and no claim not so presented shall be considered by the board of control. Presented to board of control.

SEC. 3. Upon presentation of any such claim, the board of control shall fix a time and place for the hearing of the claim, and shall mail notice thereof to the claimant and to the attorney general of this state at least fifteen days prior to the time fixed for such hearing. Hearing on claim.

SEC. 4. On such hearing the claimant shall introduce evidence in support of the claim, and the attorney general may introduce evidence in opposition thereto. The claimant must prove the facts set forth in the statement constituting the claim, including the fact that the crime with which he was Proof of claimant.

charged was either not committed at all, or, if committed, was not committed by him, the fact that he did not, by any act or omission on his part, either intentionally or negligently, contribute to the bringing about of his arrest or conviction for the crime with which he was charged, and the pecuniary injury sustained by him through his erroneous conviction and imprisonment.

Board to report approved claim to legislature.

SEC. 5. If the board of control shall be satisfied from the evidence that the crime with which the claimant was charged was either not committed at all, or, if committed, was not committed by the claimant, and that the claimant did not, by any act or omission either intentionally or negligently, contribute to the bringing about of his arrest or conviction, and that the claimant has sustained pecuniary injury through his erroneous conviction and imprisonment, it shall, with the sanction of the governor of this state, report the facts of the case and its conclusions to the next legislature of this state, with a recommendation that an appropriation be made by the legislature for the purpose of indemnifying the claimant for such pecuniary injury; but the amount of the appropriation, so recommended shall not exceed in any case, the sum of five thousand dollars (\$5,000).

Statement to controller.

SEC. 6. The board of control shall make up its report and recommendation and shall give to the controller of this state a statement showing its recommendations for appropriations under the provisions of this act, as provided by the law in cases of other claimants against this state for which no appropriations have been made.

Rules.

SEC. 7. The board of control is hereby authorized to make all needful rules and regulations consistent with the law for the purpose of carrying into effect the provisions of this act.

CHAPTER 166.

An act to amend section six hundred and forty of the Code of Civil Procedure of the State of California, relating to the ordering of a reference by a court or judge, the qualifications of the referees, and the residence qualifications of the referees when a state, county, city and county, or any incorporated city or town or municipal water district is the plaintiff in an eminent domain proceeding.

[Approved May 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section six hundred forty of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

640. A reference may be ordered to the person or persons, not exceeding three, agreed upon by the parties. If the

parties do not agree, the court or judge must appoint one or more referees, not exceeding three, who reside in the county in which the action or proceeding is triable, and against whom there is no legal objection, or the reference may be made to a court commissioner of the county where the cause is pending; *provided*, that in any action brought under title VII of part III of this code, if the plaintiff is the state, a county, city and county, or any incorporated city or town, or a municipal water district, the referees are not required to be residents of the county in which the action or proceeding is triable. Nothing herein contained shall be construed as repealing any law of this state giving jurisdiction to the state railroad commission to ascertain the just compensation which must be paid in eminent domain proceedings.

Referees
in eminent
domain
proceed-
ings in-
volving
city, etc.

CHAPTER 167.

An act to provide for the indicating of the net quantity of foodstuffs and stuffs intended to be used or prepared for use as food for human beings when sold or offered or exposed for sale in containers and providing penalties for the violation thereof.

[Approved May 24, 1913. In effect August 10, 1913.]

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

SECTION 1. This act shall be known as the net container act.

Net con-
tainer act.

SEC. 2. This act is designed to protect purchasers of any commodity within its provisions against deception as to the quantity or amount of the commodity purchased, and as against the seller shall be strictly construed with a view to effect its object.

SEC. 3. The provisions of this act apply to foodstuffs and stuffs intended to be used or prepared for use as food for human beings and shall apply to any commodity intended to be eaten or drunk by human beings; *provided*, that it shall not apply to any commodity intended so to be used solely for medicinal purposes.

Applicable
to food-
stuffs.

SEC. 4. Whenever any of the commodities within the provisions of this act are sold, or offered or exposed for sale, in containers, the net quantity of the contents of the container shall be plainly and conspicuously marked, branded, or otherwise indicated on the outside or top thereof or on a label or tag attached thereto.

Net quan-
tity plainly
marked.

SEC. 5. The designation of the quantity of the commodity required by section four of this act shall be according to weight, measure or numerical count, subject, however, to the following provisions:

Designa-
tion of
quantity.

(a) The designation used shall be such as is most feasible and suitable to the character of the commodity, or, if there is a trade custom as to the measure of the quantity of the commodity, the designation shall be in accordance with the custom.

(b) If the designation is by weight, it shall be in terms of pounds, ounces, or fractions of either, avoirdupois, standard of this state.

(c) If the designation is by liquid measure, it shall be in terms of gallons, quarts, pints or fractions of any of said units, standard of this state for liquid measure.

(d) If the designation is by solid measure, it shall be in terms of bushels, pecks, or quarts, or fractions of any of said units, standard of this state for solid measure.

(e) If the designation is by numerical count, it shall be in English words or Arabic numerals.

The words "net contents" or the words "net weight" or the words "net measure" or the words "net count" shall appear with and as a part of the designation of the quantity of the commodity as required by the provisions of this act.

Act not applicable.

SEC. 6. The provisions of this act shall not apply:

(a) To any sale of a commodity within the provisions of this act when such sale is made from bulk and the quantity is weighed, measured, or counted for the immediate purpose of such sale.

(b) To a sale of any container of an ornamental or symbolic character with which a quantity of some commodity is sold as merely incidental.

(c) To a sale of a commodity in a quantity that is sold for less than eleven cents, at retail.

Violation defined.

SEC. 7. It shall not be held to be a violation of the provisions of this act when a commodity in a container is sold, or offered or exposed for sale, and there is a discrepancy between the actual quantity of the commodity in said container and the net quantity of the contents thereof indicated on the container as herein prescribed, provided such discrepancy is due to unavoidable leakage, shrinkage, evaporation, waste, or causes beyond the control of the seller acting in good faith.

No violation.

SEC. 8. It shall not be held to be a violation of the provisions of this act when a commodity in a container is sold, or offered or exposed for sale, and there is a discrepancy between the actual quantity of the commodity in said container and the net quantity of the contents thereof indicated on the container as herein prescribed; *provided*, that the seller purchased said commodity in said container, in good faith relying upon the said indication of the net contents thereof, and sold said commodity in said container without altering the contents thereof or the indication of the contents thereof: *and provided*, *further*, that the exemption of this section shall not apply to any sale unless the container had the name of a packer, manufacturer, wholesaler, or jobber thereon at the time the seller purchased it.

"Person."

SEC. 9. The term "person" used in this act shall include every person, firm, company, copartnership, society, association and corporation.

SEC. 10. The term "container" used in this act is hereby defined to be any receptacle into which a commodity is packed or put for sale or to be offered or exposed for sale. "Container."

SEC. 11. Every person, who by himself or his agent, servant or employee violates or causes or permits to be violated, any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Penalty.

SEC. 12. This act shall be in force and effect from and after April 1, 1914. In effect.

CHAPTER 168.

An act to amend an act entitled, "An act to promote the safety of employecs and travelers upon railroads by compelling common carriers by railroad to properly man their trains," approved February 20, 1911.

[Approved May 24, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one of an act entitled "An act to promote the safety of employecs and travelers upon railroads by compelling common carriers by railroad to properly man their trains," approved February 20, 1911, is hereby amended to read as follows:

Section 1. It shall be unlawful for any common carrier by railroad in the State of California operating more than four trains each way per day of twenty-four hours on any main track or branch line of railroad within this state to run or permit to be run, any passenger, mail or express train propelled or drawn by steam, electricity or other motive power that has not at least the following named employecs thereon: one engineer, and one fireman for each steam locomotive where such train is propelled or drawn by steam, one electric motorman for each train where such train is propelled or run by electricity, and one motor or power control man for every train where said train is propelled by other motive power than steam or electricity, one conductor, one brakeman, one baggage man; *provided*, that upon any such train upon which baggage is not hauled and on gasoline motor cars, a baggageman need not be employed; *provided, further*, that on any such train where four cars exclusive of railroad officers' private cars, or more than four cars are hauled, exclusive of railroad officers' private cars, two brakemen instead of one shall be employed. Full crew for passenger train.

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

Full crew
for freight
train.

Section 2. It shall be unlawful for any common carrier by railroad in the State of California operating more than four trains each way per day of twenty-four hours on any main track or branch line of railroad within this state to run or permit to be run on any main track or branch line operating by it any freight or work train propelled by steam, electricity or other motive power that has not at least the following employees thereon; one engineer and one fireman for each steam locomotive where such train is propelled or drawn by steam, one motorman for each train where such train is propelled or run by electricity, and one motor or power control man for every train where such train is propelled by motive power other than steam or electricity, one conductor and two brakemen; *provided*, that on any such train running on any track which attains a grade of one per cent or less than one per cent. for a distance of more than one half mile, there shall be three brakemen for fifty cars, four brakemen for seventy-six cars and an additional brakeman for every additional twenty-five cars; *provided, further*, that on any such train running on any track which attains a grade of more than one per cent and less than one and one half per cent, for a distance of more than one half mile, there shall be three brakemen for fifty cars and an additional brakeman for every twenty-five cars or fraction of twenty-five greater than twelve cars; *provided, further*, that any such train running on a track which attains a grade of more than one and one half per cent, for a distance of more than one half mile, there shall be three brakemen for fifty cars and an additional brakeman for every fifteen cars or fraction of fifteen greater than seven cars.

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

Full crew
for other
trains.

Section 3. It shall be unlawful for any common carrier by railroad in the State of California operating more than four trains each way per day of twenty-four hours on any main track or branch line of railroad within this state, to run or permit to be run any train propelled or drawn by steam, electricity or other motive power other than those trains described in sections one and two of this act that have not at least the following named employees thereon: one engineer and one fireman for each steam locomotive where such train is propelled by steam, one motorman for every train where such train is propelled or drawn by electricity and one motor or power control man for each train propelled by other motive power than steam or electricity, one conductor and one brakeman; *provided*, that nothing in this act contained shall apply to a locomotive or locomotives without cars; nor to any relief or wrecking train in any case where a sufficient number of employees to comply with this section are not available for service on such relief or wrecking train.

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

Section 4. It shall be unlawful for any such common carrier to employ any person as a steam locomotive engineer who shall not have had at least three years' actual service as a steam locomotive fireman or one year's actual service as a steam locomotive engineer, or to employ any person as a conductor who shall not have had at least two years' actual service as a railroad brakeman on steam or electric railroad other than street railway, or one year's actual service as a railroad conductor, or to employ any person as a brakeman who shall not have passed the regular examination required by transcontinental railroads; *provided*, that nothing in this act contained shall apply to the running or operating of locomotives or motor power cars to and from trains at terminals by hostlers or to the running or operating of steam locomotives or motive power cars to and from engine houses or to the doing of work on steam locomotives or motive power cars at shops or engine houses.

Qualifications of engineer.

Conductor.

Brakeman.

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

Section 5. Any violation of this act shall be a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

Penalty.

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

Section 6. Nothing in this act contained shall apply to the operation of any train by said common carrier during times of strikes or walkouts, participated in by any of the hereinbefore mentioned employeess of such common carriers.

Time of strikes.

SEC. 7. A new section is hereby added to said act, to be numbered section seven and to read as follows:

Section 7. Nothing contained in this act shall be construed or be held to apply to gasoline motor cars operated exclusively on branch lines nor to trains of less than three cars propelled by electricity.

Not applicable to gasoline motor cars.

CHAPTER 169.

An act to repeal an act entitled "An act to create a reclamation district to be called 'reclamation district number eight hundred and thirty-one' and providing for the control and management thereof," approved April 8, 1911.

[Approved May 24, 1913. In effect August 10, 1913.]

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

SECTION 1. An act entitled "An act to create a reclamation district to be called 'reclamation district number eight hundred and thirty-one.' and providing for the control and management thereof," approved April 8, 1911, is hereby repealed.

Repealed.

CHAPTER 170.

An act to amend an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 24th, 1911; by amending sections one, three and four of said act, and adding sixteen new sections to said act to be designated as sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, sixteen and one half, seventeen, eighteen and nineteen; creating a drainage district to be known as Sacramento and San Joaquin drainage district, appointing of a reclamation board, providing for the management and control of said district and defining the powers and duties of the reclamation board and the state engineer, the acquisition of rights of way and property by said drainage district, the reclamation and protection of the lands therein which are subject to overflow from the Sacramento and San Joaquin rivers and their tributaries and control of the floods thereof; the making of assessments; also defining the rights and powers of certain municipal corporations, levee, drainage and protection districts therein, and making an appropriation to pay the expenses of the state engineer and the reclamation board; also providing for the approval and creation of plans of reclamation, and the examination of the security afforded to bonds of reclamation and drainage districts and others; to prevent the diversion of the waters of any stream into the Sacramento and San Joaquin rivers; to prevent the construction of and to require the removal or regulation of obstructions in streams, by-passes and overflow channels; to repay money contributed for the purchase of rights of way for enlargement of the outlet of the Sacramento river and making an appropriation for carrying out the purposes of this act.

[Approved May 26, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the sec-

retary of war on June 27th, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 24th, 1911, is hereby amended to read as follows:

Section 1. The report of the California debris commission transmitted to the speaker of the house of representatives of the United States by the secretary of war on the 27th day of June, 1911, with such modifications and amendments as may hereafter be adopted by the reclamation board, is hereby approved as a plan for controlling the flood waters of the Sacramento river and San Joaquin river and their tributaries, for the improvement and preservation of navigation and the reclamation and protection of the lands that are susceptible to overflow from said rivers and their tributaries.

Debris
com-
mis-
sion
report
approved.

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Section 3. The state engineer is hereby directed to procure data and make surveys and examinations upon said rivers and tributaries for the purpose of perfecting the plans contained in the report mentioned in section one of this act, and making additional plans for the San Joaquin and Sacramento rivers and their tributaries, and to make a report thereof to the reclamation board. He shall advise and assist the reclamation board, and shall be reimbursed by said board for any necessary expenses incurred by him under the directions of the board.

State
engineer
to make
surveys.

SEC. 3. Section 4 of said act is hereby amended to read as follows:

Section 4. There is hereby created a drainage district to be known and designated as "Sacramento and San Joaquin drainage district," the boundaries of which said district are as follows:

"Sacro-
mento
and San
Joaquin
drainage
district."

Commencing at a point on the west boundary of section 26, township 3 north, range 1 east Mount Diablo base and meridian, and 20 chains south of the northwest corner of said section; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{4}$ mile; thence east $\frac{1}{2}$ mile to the quarter-section corner on the east line of said section 26; thence south $\frac{1}{4}$ mile; thence east $2\frac{1}{2}$ miles to the center to the southwest quarter of section 29, township 3 north, range 2 east; thence northeast to the northeast corner of said section 29; thence east $\frac{1}{2}$ mile to the quarter-section corner on the north line of section 28, township 3 north, range 2 east; thence northeast to the quarter-section corner on the north line of section 22, township 3 north, range 2 east; thence east $\frac{1}{4}$ mile; thence north $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence north $\frac{1}{4}$ mile; thence east $\frac{1}{4}$ mile; thence north $\frac{1}{4}$ mile to the quarter-section corner on the north line of section 14, township 3 north,

Bound-
aries.

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aries.

range 2 east; thence east $\frac{1}{4}$ mile; thence north $\frac{1}{4}$ mile; thence east $\frac{1}{4}$ mile; thence north $\frac{1}{4}$ mile; thence east $\frac{1}{4}$ mile; thence north $\frac{1}{4}$ mile; thence east $\frac{1}{4}$ mile; thence north to the south corporate limit of the town of Rio Vista; thence through said town as follows: northeasterly on a direct line to the intersection of the center line of California street with the center line of First street; thence northwesterly along the center line of California street to its intersection with the center line of the most westerly alley running northeasterly through block 2; thence northeasterly along the center line of said alley, through blocks 2, 1 and 11, to its intersection with the north line of the alley or street running northwesterly through the center of block 12; thence northeasterly along the north line of said alley to its intersection with the center line of the alley running southwesterly through the center of block 14; thence southwesterly along the center line of said alley to its intersection with the center line of Sacramento street; thence northwesterly along the center line of said street to its intersection with the center line of Third street; thence southwesterly along the center line of Third street to its intersection with the center line of Main street; thence northwesterly along the center line of Main street to its intersection with the center line of Fourth street; thence northwesterly along the center of Fourth street to its intersection with the center line of Sacramento street; thence northwesterly along the center line of Sacramento street to its intersection with the center line of Fifth street; thence northeasterly along the center line of Fifth street; or a continuation thereof, to the north corporate limit of said town of Rio Vista; thence southeasterly along said corporate limit to its intersection with the quarter-section line running north and south through the center of section 30, township 4 north, range 3 east; thence north along said line to the quarter-section corner on the north line of said section 30; thence west $\frac{1}{4}$ mile; thence north $1\frac{1}{4}$ miles; thence west $\frac{1}{4}$ mile to the east line of section 13, township 4 north, range 2 east; thence north $\frac{3}{4}$ mile to the northeast corner of said section; thence west $\frac{1}{4}$ mile; thence south $\frac{1}{4}$ mile; thence west $\frac{1}{4}$ mile; thence north $\frac{1}{4}$ mile to the northwest corner of said section 13; thence east $\frac{1}{4}$ mile; thence north $\frac{1}{4}$ mile; thence east $\frac{1}{4}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{4}$ mile to the northeast corner of section 11, township 4 north, range 2 east; thence west 1 mile to the northwest corner of said section 11; thence northwest in a direct line to the southeast corner of section 29, township 5 north, range 2 east; thence northwesterly in a direct line to the quarter-section corner on the west line of section 29, township 5 north, range 2 east; thence west 1 mile to the quarter-section corner on the west line of section 30, township 5 north, range 2 east; thence north along range line $3\frac{1}{2}$ miles to the southwest corner of section 6, township 5 north, range 2 east; thence east $\frac{1}{4}$ mile to the quarter-section corner on the south line of said section 6; thence north

$\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile to the quarter-section corner on the west line of section 5, township 5 north, range 2 east; thence north $\frac{1}{2}$ mile to the northwest corner of said section 5; thence east along the township line $\frac{3}{4}$ of a mile; thence north $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile to the north line of section 33, township 6 north, range 2 east; thence east $\frac{1}{4}$ mile to the quarter-section corner on the north line of said section 33; thence north 1 mile to the quarter-section corner on the south line of section 21, township 6 north, range 2 east; thence east $\frac{1}{2}$ mile to the southeast corner of said section 21; thence north $\frac{1}{2}$ mile to the quarter-section corner on the west line of section 21, township 6 north, range 2 east; thence east $\frac{1}{2}$ mile; thence north $\frac{3}{4}$ mile; thence east $\frac{1}{2}$ mile to the east line of said section 22; thence north $\frac{1}{4}$ mile to the southwest corner of section 14, township 6 north, range 2 east; thence east $\frac{1}{2}$ mile to the quarter-section corner on the south line of said section 14; thence north $\frac{3}{4}$ of a mile; thence east $\frac{1}{2}$ mile to the east line of said section 14; thence north $\frac{1}{2}$ mile; thence east 1 mile to the county line between the counties of Solano and Yolo.

Thence east $\frac{1}{2}$ mile to the center of the south half of section 7, township 6 north, range 3 east; thence north $3\frac{3}{4}$ miles to the quarter section corner on the south line of section 19, township 7 north, range 3 east; thence east $\frac{1}{2}$ mile to the southeast corner of said section 19; thence north 1 mile to the southwest corner of section 17, township 7 north, range 3 east; thence east $\frac{1}{4}$ mile; thence north $\frac{1}{4}$ mile; thence east $\frac{1}{4}$ mile; thence north $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile to the east line of said section 17; thence north $\frac{3}{4}$ of a mile to the quarter section corner on the west line of section 9, township 7 north, range 3 east; thence east $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile to the quarter section corner on the north line of section 9; thence west $\frac{1}{2}$ mile to the northwest corner of section 9; thence north 2 miles to the southeast corner of section 29, township 8 north, range 3 east; thence west 2 miles to the southwest corner of section 30, township 8 north, range 3 east; thence north 4 miles along the range line to the southwest corner of section 6, township 8 north, range 3 east; thence east $1\frac{1}{2}$ miles to the quarter section corner on the south line of section 5, township 8 north, range 3 east; thence north 1 mile to the quarter section corner on the north line of said section 5; thence west $\frac{3}{4}$ of a mile along the township line; thence north $2\frac{1}{2}$ miles; thence west $\frac{1}{4}$ mile; thence north $\frac{1}{2}$ mile to the quarter section corner on the south line of section 18, township 9 north, range 3 east; thence west $\frac{1}{2}$ mile to the southwest corner of said section 18; thence north on the range line $\frac{1}{2}$ mile to the quarter section corner on the east line of section 13, township 9 north, range 2 east; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile to the quarter section corner on the south line of section 12, township 9 north, range 2 east; thence west $\frac{1}{2}$ mile to the southwest corner of said section 12; thence north 3 miles to the southwest corner of section 25, township 10 north, range 2 east; thence east 2 miles, more or less, to the westerly line of the Yolo by-pass; thence northerly along

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the westerly line of the Yolo by-pass to the southwesterly line of the Knight's Landing ridge cut; thence following the southwesterly line of said cut to the south levee of reclamation district No. 730; thence west to the quarter section corner on the south line of section 35, township 11 north, range 2 east; thence north in a direct line to the quarter section corner at the center of section 35, township 11 north, range 2 east; thence northwest in a direct line to the northwest corner of said section 35; thence following legal subdivision lines in township 11 north, range 2 east, north 2 miles to the northwest corner of section 23; west 2 miles to the southwest corner of section 16; north $\frac{1}{2}$ mile to the quarter section corner on the east line of section 17, west $\frac{1}{2}$ mile to the center of section 17; north $\frac{1}{4}$ mile; west $\frac{1}{2}$ mile to the west line of section 17; north $\frac{1}{4}$ mile to the northwest corner of section 17; thence west on section lines 3 miles to the southwest corner of section 11, township 11 north, range 1 east; thence following legal subdivision lines in township 11 north, range 1 east, north 1 mile to the northwest corner of section 11; west $\frac{1}{2}$ mile to the quarter section corner on the south line of section 3; north $\frac{1}{2}$ mile to the center of section 3; west 3 miles to the center of section 6; north $\frac{1}{2}$ mile to the quarter section corner on the north line of section 6; thence west along township line $\frac{3}{4}$ of a mile; thence following legal subdivision lines in township 12 north, range 1 west, north $\frac{1}{2}$ mile; thence west $\frac{1}{4}$ mile; thence north $1\frac{1}{2}$ miles to the quarter section corner on the north line of section 25; west $\frac{1}{4}$ mile, north 1 mile to the north line of section 24; west $\frac{1}{2}$ mile, north 1 mile to the north line of section 14; east $\frac{1}{2}$ mile to the southwest corner of section 12; north 1 mile to the northwest corner of section 12; east $\frac{3}{4}$ mile to the quarter section corner on the south line of section 1; thence north on quarter section line 1 mile to the county line between the counties of Yolo and Colusa.

Thence continuing north 1 mile to the quarter-section corner on the north line of section 36, township 13 north, range 1 west, east $\frac{1}{4}$ mile, north $\frac{1}{2}$ mile, west $\frac{1}{4}$ mile, to the center of section 25; north $\frac{1}{4}$ mile, west $\frac{1}{4}$ mile, north $\frac{1}{2}$ mile, west $\frac{1}{4}$ mile to the west line of section 24; north $\frac{1}{4}$ mile to the quarter section corner on the east line of section 23; west $\frac{1}{4}$ mile, north $\frac{1}{4}$ of a mile, west $\frac{1}{4}$ of a mile, north $\frac{1}{4}$ of a mile to the quarter section corner on the north line of section 23; west $\frac{1}{4}$ mile, north $\frac{1}{4}$ mile, west $\frac{1}{2}$ mile, north $\frac{1}{4}$ mile, west $\frac{1}{2}$ mile, north $\frac{1}{4}$ mile, west $\frac{1}{4}$ mile to the west line of section 15; north $\frac{3}{4}$ mile to the northwest corner of section 15; west $\frac{1}{4}$ mile, north 1 mile to the north line of section 9; west $\frac{1}{4}$ mile to the quarter section corner on the south line of section 4; north $\frac{1}{2}$ mile to center of section 4, west $\frac{1}{4}$ mile, north $\frac{1}{2}$ mile to the north line of section 4; thence west along the township line $\frac{3}{4}$ of a mile to the quarter section corner on the south line of section 32, township 14 north, range 1 west. Thence following legal subdivision lines in township 14 north, range 1 west, north $1\frac{1}{2}$ miles to the center of section 29; west $\frac{1}{2}$ mile to

the quarter section corner on the west line of section 29; north $\frac{3}{4}$ of a mile, west $\frac{1}{4}$ of a mile, north 1 mile, west $\frac{1}{4}$ of a mile, north $\frac{1}{2}$ mile, west $\frac{1}{4}$ mile, north $\frac{1}{2}$ mile to the north line of section 18; west $\frac{1}{4}$ mile to the northwest corner of section 18; thence north along the range line 2 miles to the northwest corner of township 14 north, range 1 west; thence along legal subdivision lines in township 15 north, range 2 west, as follows: west $\frac{1}{2}$ mile to the quarter section corner on the south line of section 36; thence north $1\frac{1}{2}$ mile; thence west $\frac{1}{4}$ mile; thence north $\frac{1}{2}$ mile, thence west $\frac{1}{4}$ mile to the west boundary line of section 25; thence north $1\frac{1}{2}$ miles to the southeast corner of section 14; thence west $\frac{1}{4}$ mile; thence north $1\frac{1}{2}$ miles; thence west $\frac{1}{4}$ mile to the center of section 11; thence north $\frac{1}{2}$ mile to the quarter section corner on the south line of section 2; thence west $\frac{1}{4}$ mile; thence north $\frac{1}{4}$ mile; thence west $\frac{1}{4}$ mile to the west line of said section 2; thence north $\frac{3}{4}$ of a mile to the northwest corner of section 2; thence west $\frac{1}{2}$ mile to the quarter section corner on the south line of section 34, township 16 north, range 2 west; thence following legal subdivision lines in township 16 north, range 2 west, as follows: north $\frac{1}{2}$ mile to the center of section 34; west $\frac{1}{2}$ mile to the quarter section corner on the west line of section 34; thence north $\frac{1}{2}$ mile to the northwest corner of section 34; thence west $\frac{1}{2}$ mile to the quarter section corner on the south line of section 28; thence north $\frac{1}{2}$ mile to the center of section 28; thence west $\frac{1}{2}$ mile to the quarter section corner on the west line of section 28; thence north $\frac{1}{2}$ mile to the southeast corner of section 20, township 16 north, range 2 west; thence west $\frac{1}{2}$ mile to the quarter section corner on the south line of said section 20; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile to the quarter section corner on the west line of section 20; thence north $9\frac{1}{2}$ miles to the southwest corner of section 32, township 18 north, range 2 west; thence west 1 mile to the southwest corner of section 31; thence north three and five eighths miles to the county line between the counties of Colusa and Glenn.

Thence north $2\frac{3}{4}$ miles to the northwest corner of section 6, township 18 north, range 2 west; thence east along the township line two miles to the southeast corner of section 32, township 19 north, range 2 west; thence north 1 mile to the northeast corner of said section; thence east 2 miles; thence north 1 mile; thence east 1 mile; thence north 2 miles; thence east 1 mile to the southeast corner of section 12, township 19 north, range 2 west; thence north along the range line, $3\frac{1}{2}$ miles to the quarter-section corner on the east of section 25, township 20 north, range 2 west; thence east $\frac{1}{2}$ mile; thence north $2\frac{1}{2}$ miles; thence east to the center of the Sacramento river; thence up the center of the said Sacramento river to the mouth of Chico creek; thence up said Chico creek to its intersection with the Mount Diablo meridian; thence south along the Mount Diablo meridian, $9\frac{1}{2}$ miles more or less to the southwest corner of section 18, township 20 north, range 1 east.

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aries.

Thence east $1\frac{1}{2}$ miles; thence south 2 miles; thence east $2\frac{1}{2}$ miles to the northwest corner of section 35, township 20 north, range 1 east; thence south 2 miles to the southeast corner of section 3, township 19 north, range 1 east; thence west 1 mile to the southwest corner of said section 3; thence south 15 miles to the southeast corner of section 21, township 17 north, range 1 east; thence west $\frac{1}{2}$ mile to the quarter-section corner on the south line of said section 21, which is the county line between the counties of Butte and Sutter.

Thence south $1\frac{1}{2}$ miles; thence west $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile, to the northeast corner of section 5, township 16 north, range 1 east; thence west $\frac{1}{2}$ mile; thence south 1 mile; thence west $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence south $\frac{3}{4}$ of a mile; thence west $\frac{3}{4}$ of a mile, to the southwest corner of section 7, township 16 north, range 1 east; thence south along the Mount Diablo meridian, 2 miles to the southwest corner of section 19, township 16 north, range 1 east; thence east $\frac{1}{4}$ of a mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{4}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{4}$ mile; thence south $1\frac{1}{2}$ miles; thence east $\frac{3}{4}$ of a mile; thence south $\frac{3}{4}$ of a mile; thence east $\frac{1}{2}$ mile, to the west line of section 9, township 15 north, range 1 east; thence south $\frac{1}{4}$ mile, to the quarter-section corner on the west line of said section 9; thence east 1 mile to the quarter-section corner on the east line of said section 9; thence south $\frac{1}{2}$ mile to the southwest corner of section 10, township 15 north, range 1 east; thence east $1\frac{1}{2}$ miles; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east 1 mile; thence north $\frac{1}{4}$ mile; thence east $\frac{1}{4}$ mile to the quarter-section corner on the west line of section 18, township 15 north, range 2 east; thence north $\frac{3}{4}$ mile, thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east 1 mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{4}$ mile; thence south $\frac{1}{2}$ mile, to the south line of section 17, township 15 north, range 2 east; thence east $1\frac{1}{4}$ miles to the quarter-section corner on the south line of section 15, township 15 north, range 2 east; thence north $1\frac{1}{2}$ miles; thence east $\frac{1}{2}$ mile, to the quarter-section corner on the west line of section 11, township 15 north, range 2 east; thence north 1 mile to the quarter-section corner on the west line of section 2 of said township; thence east $\frac{3}{4}$ mile; thence north $\frac{1}{2}$ mile to the quarter-section corner on the north line of section 2, township 15 north, range 2 east; thence east along the third standard parallel north, to the southeast corner of section 35, township 16 north, range 2 east.

Thence north $1\frac{1}{2}$ miles to the quarter section corner on the east line of section 26, township 16 north, range 2 east; thence west $\frac{1}{4}$ mile; thence north $1\frac{1}{2}$ miles to the south line of section 14, township 16 north, range 2 east; thence west $\frac{1}{2}$ mile to the quarter-section corner on the south line of said section 14; thence north $1\frac{1}{2}$ miles; thence west $\frac{1}{2}$ mile; thence north $\frac{3}{4}$ of a mile; thence west $\frac{1}{2}$ mile; thence north $\frac{3}{4}$ of a mile, to the south line of section thirty-four, township 17 north, range 2 east; thence west along the township line, $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{4}$ mile to the quarter-section corner

on the west line of said section 34; thence north 1 mile to the quarter-section corner on the west line of section 27, township 17 north, range 2 east; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile to the county line between the counties of Sutler and Butte. ^{Boundaries.}

Thence north $\frac{1}{2}$ mile to the center of section 21, township 17 north, range 2 east; thence west $5\frac{1}{2}$ miles to the quarter-section corner on the west line of section 22, township 17 north, range 1 east; thence north 5 miles to the quarter-section corner on the west line of section 27, township 18 north, range 1 east; thence east 1 mile to the quarter-section corner on the east line of said section 27; thence northeast in a direct line to the quarter-section corner on the east line of section thirteen, township 18 north, range 1 east; thence north one mile to the quarter-section corner on the east line of section 12, township 18 north, range 1 east; thence northeast in a direct line to the quarter-section corner on the east line of section 32, township 19 north, range 2 east; thence east 5 miles; thence north $\frac{1}{4}$ mile; thence east 1 mile; thence north $\frac{1}{2}$ mile; thence east to the center of the Feather river; thence down the center of said Feather river, to the mouth of Honcut creek; thence up said Honcut creek to the mouth of South Honcut creek; thence up said South Honcut creek, to a point due north of the quarter-section corner on the south line of section 30, township 17 north, range 4 east, which is the county line between the counties of Butte and Yuba.

Thence south to a point one and one half miles north of the south line of township 16 north, range 4 east; thence east to a point due north of the northwest corner of section 2, township 15 north, range 4 east; thence south to the northeast corner of section 22, township 15 north, range 4 east; thence southwest in a direct line, to the center of section 28, township 15 north, range 4 east; thence west $\frac{1}{2}$ mile to the quarter-section corner on the west line of said section 28; thence south eight and one half miles to the southwest corner of section 4, township 13 north, range 4 east; thence east one mile to the southeast corner of said section 4; thence south one quarter mile; thence east to an intersection with the west line of the Johnson rancho; thence south $\frac{1}{10}$ of a mile to the line running north 64 degrees east and south 64 degrees west through the center of the south half of section 43 of the said Johnson rancho; thence along the legal subdivision line of the Johnson rancho as follows: north 64 degrees east 108.25 chains; thence north 26 degrees west one quarter mile to the center of section 2 of the said rancho; thence north 64 degrees east $\frac{1}{2}$ mile; thence north 26 degrees west $\frac{1}{4}$ mile; thence north 64 degrees east four and one half miles; thence north 26 degrees west $\frac{1}{4}$ mile to the quarter-section corner on the south line of section 22 of said rancho; thence north 64 degrees east $\frac{1}{4}$ mile; thence north 26 degrees west $\frac{1}{4}$ mile; thence north 64 degrees east $\frac{1}{4}$ of a mile; thence north 26 degrees west $\frac{1}{2}$ mile; thence north 64 degrees east $\frac{1}{2}$ mile; thence north 26 degrees west $\frac{1}{4}$ mile, to the northwest corner of section 29 of said rancho; thence north 64 degrees east one

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and one half miles to the quarter-section corner on the south line of section 31 of said rancho; thence north 26 degrees west $\frac{1}{4}$ mile north 64 degrees east $\frac{1}{4}$ mile; thence south 26 degrees east $\frac{3}{4}$ of a mile to the quarter-section corner on the east line of section 32 of said rancho; thence south 64 degrees west $\frac{1}{4}$ mile; thence south 26 degrees east $\frac{1}{4}$ mile; thence south 64 degrees west one and one half miles; thence south 26 degrees east $\frac{1}{4}$ mile; thence south 64 degrees west $\frac{1}{4}$ mile; thence south 26 degrees east $\frac{1}{4}$ mile; thence south 64 degrees west $\frac{1}{4}$ mile; thence south 26 degrees east $\frac{1}{4}$ mile; thence south 64 degrees west $\frac{1}{4}$ mile; thence south 26 degrees east $\frac{1}{4}$ mile; thence south 64 degrees west $\frac{1}{4}$ mile; thence south 26 degrees east $\frac{1}{4}$ mile; thence south 64 degrees west $\frac{1}{4}$ mile; thence south 26 degrees east $\frac{1}{4}$ mile; thence south 64 degrees west $\frac{1}{4}$ mile; thence south 26 degrees east $\frac{1}{4}$ mile; thence south 64 degrees west $\frac{1}{4}$ mile; thence south 26 degrees east $\frac{1}{4}$ mile; thence south 64 degrees west $\frac{3}{8}$ mile; thence south 26 degrees east $\frac{3}{8}$ of a mile to the quarter-section corner on the west line of section 20 of said rancho; thence north 64 degrees east $\frac{1}{4}$ mile; thence north 26 degrees west $\frac{3}{8}$ mile; thence north 64 degrees east $\frac{3}{8}$ of a mile; thence north 26 degrees west $\frac{1}{4}$ mile; thence north 64 degrees east $\frac{1}{4}$ mile; thence south 26 degrees east $\frac{1}{4}$ mile; thence north 64 degrees east $\frac{1}{4}$ mile to the center of section twenty-five of said rancho; thence north 26 degrees west $\frac{1}{4}$ mile; thence north 64 degrees east 1 mile; thence south 26 degrees east to an intersection with the east line of township 14 north, range 5 east; thence south along said township line to the center of Bear river on the line dividing the counties of Yuba and Placer.

Thence down the center of said Bear river to its intersection with the section line running north and south through the center of township 13 north, range 5 east, which is the section line between the counties of Placer and Sutter.

Thence south along said line to the southeast corner of section 16, township 13 north, range 5 east; thence west two miles to the northeast corner of section 19, township 13 north, range 5 east; thence south $\frac{1}{2}$ mile to the quarter-section corner on the east line of said section 19; thence west $4\frac{1}{2}$ miles; thence south $\frac{1}{2}$ mile to the quarter section corner on the south line of section 21, township 13 north, range 4 east; thence west $\frac{1}{2}$ mile to the southwest corner of said section 21; thence south 2 miles, to the northeast corner of section 5, township 12 north, range 4 east; thence west $\frac{3}{4}$ of a mile; thence south $2\frac{1}{2}$ miles; thence east $\frac{3}{4}$ of a mile to the quarter section corner on the west line of section 16, township 12 north, range 4 east; thence south 3 miles to the quarter section corner on the west line of section 33, township 12 north, range 4 east; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile to the quarter section corner on the north line of section four, township 11 north, range 4 east; thence east $\frac{1}{2}$ mile to the northeast corner of said section 4; thence south 1 mile to the southeast corner of said section 4; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile to the quarter section corner on the west line of section 11, township 11 north, range 4 east; thence south $3\frac{1}{2}$ miles to the southwest

corner of section 26, township 11 north, range 4 east; thence east 1 mile to the southeast corner of said section 26; thence south 1 mile, to the southwest corner of section 36, township 11 north, range 4 east; thence east along the second standard parallel north, to the northeast corner section 1, township 10 north, range 4 east; thence south to the line dividing the counties of Sutter and Sacramento.

Thence south to the southwest corner of section 18, township 10 north, range 5 east; thence east $\frac{1}{2}$ mile; thence south 3 miles, to the quarter section corner on the south line of section 31, township 10 north, range 5 east; thence east 1 mile to the quarter section corner on the north line of section 5, township 9 north, range 5 east; thence south $2\frac{1}{2}$ miles; thence west $\frac{1}{2}$ mile; thence south $\frac{3}{4}$ of a mile, to the southeast corner of section 18, township 9 north, range 5 east; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{4}$ mile; thence south $\frac{1}{4}$ mile; thence east $\frac{1}{4}$ mile; thence south $\frac{1}{4}$ mile, to the southeast corner of section 20, township 9 north, range 5 east; thence west $\frac{1}{4}$ mile; thence south $\frac{1}{4}$ mile; thence east $\frac{3}{4}$ of a mile; thence south $\frac{1}{4}$ mile; thence east $\frac{3}{4}$ of a mile; thence south 1 mile; thence east $\frac{3}{4}$ of a mile; thence south $3\frac{1}{2}$ miles, to the southeast corner of section 15, township 8 north, range 5 east; thence west 3 miles to the southwest corner of section 17, township 8 north, range 5 east; thence south 1 mile to the southeast corner of section 19, township 8 north, range 5 east; thence west 1 mile to the southwest corner of said section 19; thence south $3\frac{1}{2}$ miles to the quarter section corner on the west line of section 7, township 7 north, range 5 east; thence east $1\frac{1}{4}$ miles, thence south $1\frac{3}{4}$ miles; thence west $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence west $\frac{1}{4}$ mile; thence south $\frac{2}{3}$ of a mile to the center of section 30; thence west $\frac{1}{4}$ mile; thence south $\frac{1}{2}$ mile, to the south line of section 30, township 7 north, range 5 east; thence east $\frac{1}{4}$ mile to the quarter section corner on the south line of said section 30; thence south $6\frac{1}{2}$ miles to the center of section 31, township 6 north, range 5 east; thence east $\frac{1}{4}$ mile; thence south $\frac{1}{4}$ mile; thence east $\frac{3}{4}$ of a mile; thence south $\frac{1}{4}$ of a mile to the quarter section corner on the south line of section 32, township 6 north, range 5 east; thence east $\frac{1}{2}$ mile to the northeast corner of section 5, township 5 north, range 5 east; thence south 2 miles, to the southwest corner of section 9, township 5 north, range 5 east; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile to the center of section 16, township 5 north, range 5 east; thence east $3\frac{1}{2}$ miles to the southeast corner of the southwest quarter of the northeast quarter of section 13, township 5 north, range 5 east; thence south 1 mile, thence west $\frac{1}{4}$ mile to the center of section 24; thence south $\frac{1}{4}$ mile; thence west $\frac{1}{4}$ mile; thence south 1 mile; thence east $\frac{1}{4}$ mile; thence south 1 mile; thence east $\frac{1}{4}$ mile; thence south about $\frac{1}{4}$ mile, to the center of Dry Creek, which is the county line between the counties of Sacramento and San Joaquin.

Thence continuing south to the south line of section 1, township 4 north, range 5 east; thence east $\frac{1}{4}$ mile to the northeast

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corner of section 12; thence south 1 mile to the southeast corner of said section 12, township 4 north, range 5 east; thence west $\frac{1}{4}$ mile, thence north $\frac{3}{4}$ mile, thence west $\frac{3}{4}$ mile; thence south $\frac{1}{4}$ mile to the southwest corner of said section 12; thence west 1 mile, thence south $\frac{1}{2}$ mile, thence west $\frac{1}{4}$ mile; thence south $\frac{1}{2}$ mile; thence west $\frac{1}{4}$ mile; thence south 1 mile; thence east $\frac{1}{4}$ mile to the quarter-section corner on the north line of section 27, township 4 north, range 5 east; thence south $2\frac{1}{2}$ miles to the center of section 3, township 3 north, range 5 east; thence east $\frac{1}{4}$ mile; thence south $\frac{3}{4}$ mile; thence east $\frac{1}{4}$ mile; thence south $1\frac{1}{2}$ miles; thence east $\frac{1}{4}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{4}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{4}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{4}$ mile; thence south $\frac{1}{4}$ mile to the quarter-section corner on the west line of section 25, township 3 north, range 5 east; thence east $\frac{1}{4}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{4}$ mile; thence south $\frac{3}{4}$ mile; thence east $\frac{1}{4}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{4}$ mile, to the northeast corner of section 1, township 2 north, range 5 east; thence south 1 mile; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence south $1\frac{1}{2}$ miles to the northwest corner of section 20, township 2 north, range 6 east; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{4}$ mile; thence south $\frac{1}{4}$ mile; thence east $\frac{1}{4}$ mile; thence south $1\frac{1}{4}$ miles to the quarter-section corner on the east line of section 32, township 2 north, range 6 east; thence east $\frac{1}{2}$ mile; thence south $1\frac{3}{4}$ miles; thence east $\frac{1}{2}$ mile; thence south $1\frac{1}{4}$ miles; to the quarter-section corner on the east line of section 16, township 1 north, range 6 east; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence south $1\frac{1}{2}$ miles to the quarter-section corner on the east line of section 27, township 1 north, range 6 east; thence west $\frac{1}{4}$ mile; thence south $\frac{1}{2}$ mile; thence west $\frac{1}{4}$ mile; thence south 3 miles to the quarter-section corner on the north line of section 15, township 1 south, range 6 east; thence east $\frac{3}{4}$ mile; thence south $\frac{1}{4}$ mile; thence east $\frac{1}{4}$ mile; thence south $1\frac{3}{4}$ miles to the center of section 26 of said township and range; thence west $\frac{1}{4}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{4}$ mile; thence south $\frac{1}{4}$ mile; thence east $\frac{1}{4}$ mile; thence south $\frac{1}{4}$ mile; thence east $\frac{1}{4}$ mile to the quarter-section corner on the east line of section 35, township 1 south, range 6 east; thence south $\frac{1}{4}$ mile; thence west $\frac{1}{2}$ mile; thence south $\frac{3}{4}$ mile to the center of section 2, township 2 south, range 6 east; thence east $\frac{1}{4}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile to the quarter-section corner on the north line of section 12, township 2 south, range 6 east; thence south 2 miles to the quarter-section corner on the north line of section 24 of said township and range; thence east $\frac{1}{2}$ mile to the northeast corner of said section 24; thence south 2 miles; thence east 1 mile to the northwest corner of section 32, township 2 south, range 7 east; thence southeast to the southeast corner of section 4, township 3 south, range 7 east, and the Stanislaus river, which is the line between San Joaquin and Stanislaus counties.

Thence south 1 mile; thence west $\frac{1}{2}$ mile; thence south $1\frac{1}{2}$ miles to the center of section 21, township 3 south, range 7 east; thence east $\frac{1}{2}$ mile; thence south 1 mile to the quarter section corner on the east line of section 28, thence southeast to the quarter section corner on the west line of section 1, township 4 south, range 7 east, and the Tuolumne river; thence following up the Tuolumne river to its intersection with the quarter section line running north and south through section 20, township 4 south, range 8 east; thence south to the center of section 20, thence southeast to the northwest corner of section 2, township 5 south, range 8 east; thence southeast to the southeast corner of section 12, township 5 south, range 8 east; thence south to the quarter section corner on the west line of section 18, township 5 south, range 9 east; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile, to the southeast corner of said section 18. thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence south 1 mile; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile to the southeast corner of section 29, township 5 south, range 9 east; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; to the northwest corner of section 3, township 6 south, range 9 east; thence east $\frac{1}{2}$ mile; thence south $1\frac{1}{2}$ miles to the center of section 10; thence east $\frac{1}{2}$ mile; thence south $\frac{3}{4}$ mile to the county line dividing the counties of Stanislaus and Merced.

Thence continuing south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile to the southeast corner of section 14. thence south 1 mile; thence east 1 mile; thence south 2 miles to the southeast corner of section 36, township 6 south, range 9 east; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east 1 mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile to the southeast corner of section 5, township 7 south, range 10 east; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile to the southeast corner of section 9, thence south $\frac{1}{2}$ mile; thence east 1 mile; thence south $\frac{1}{2}$ mile; thence east 1 mile to the southeast corner of section 14; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile to the southeast corner of section 24, township 7 south, range 10 east; thence south $\frac{1}{2}$ mile; thence east 1 mile; thence south $\frac{1}{2}$ mile to the southeast corner of section 30, township 7 south, range 11 east; thence southeast to the southeast corner of section 32, township 7 south, range 11 east; thence east 1 mile; thence south 1 mile; thence east 1 mile to the southeast corner of section 3, township 8 south, range 11 east; thence south $\frac{1}{2}$ mile; thence east 1 mile; thence south $\frac{1}{2}$ mile; thence east 1 mile to the southeast corner of section 12, township 8 south, range 11 east; thence south $\frac{1}{2}$ mile; thence east 1 mile; thence south $\frac{1}{2}$ mile to the southeast corner of section 18, township 8 south, range 12 east; thence east 1 mile; thence south 1 mile; thence east 2 miles; thence south 1 mile; thence east 2 miles; thence south 1 mile to the southeast corner of section 36, township 8 south, range 12 east; thence southeast to the southeast corner of section 8, township 9 south,

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range 13 east; thence south 1 mile; thence southeast to the county line dividing the counties of Merced and Madera.

Thence continuing southeast to the southeast corner of section 1, township 10 south, range 13 east; thence south 2 miles to the southeast corner of section 13, in said township and range; thence southeasterly to the southeast corner of section 13, township 12 south, range 14 east; thence east 1 mile; thence south 1 mile to the southeast corner of section 19, township 12 south, range 15 east; thence east 2 miles; thence south 1 mile; thence east 2 miles; thence south 1 mile; thence east 1 mile to the southeast corner of section 36, of said township 12 south, range 15 east; thence south 1 mile; thence east 1 mile; thence south 1 mile, to the southeast corner of section 7, township 13 south, range 16 east; thence east 2 miles; thence south $1\frac{1}{2}$ miles more or less, to the county line dividing the counties of Madera and Fresno.

Thence continuing south 3 miles, more or less to the quarter section corner on the east line of section 4, township 14 south, range 16 east; thence west 1 mile; thence south $\frac{1}{2}$ mile, to the southeast corner of section 5, of said township and range; thence west 6 miles to the southwest corner of section 4, township 14 south, range 15 east; thence north 1 mile to the southeast corner of section 32, township 13 south, range 15 east; thence northwest to the southeast corner of section 24, township 12 south, range 13 east; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence west 1 mile to the center of section 15, township 12 south, range 13 east; thence north $\frac{1}{2}$ mile; thence west 1 mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile to the northeast corner of section 8, township 12 south, range 13 east; thence west 1 mile; thence north $\frac{1}{2}$ mile; thence west 1 mile; thence north $\frac{1}{2}$ mile to the southeast corner of township 11 south, range 12 east; thence northwest to the center of said township and range, which is the county line dividing the counties of Fresno and Merced.

Thence continuing northwest to the southeast corner of township 9 south, range 10 east; thence north 2 miles to the southeast corner of section 24 of said township 9 south, range 10 east; thence northwest to the southeast corner of section 4, township 8 south, range 9 east; thence north 1 mile to the south boundary line of the Orestimba rancho; thence west to the southwest corner of the said rancho; thence in a northerly and westerly direction following the south and west boundary lines of said rancho to a point $\frac{1}{4}$ mile, more or less, north of the quarter section corner on the east line of section 19; township 7 south, range 9 east, which point is the intersection of the county line dividing the counties of Merced and Stanislaus.

Thence continuing in a northerly and westerly direction following the south and west boundary lines of said rancho to the northwest corner thereof, at the center of section 14, township 6 south, range 8 east; thence northeasterly following the northwest boundary of said rancho to the left bank of the San

Joaquin river; thence following down the left bank of said river to the county line dividing the counties of Stanislaus and San Joaquin. Bound-
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Thence following down the left bank of the San Joaquin river to the quarter section line running east and west through section 13, township 3 south, range 6 east; thence west to the quarter section corner on the east line of section 14, of said township and range; thence northwest to the northeast corner of section 4, of said township and range; thence northwest to the quarter section corner on the north line of section 19, township 2 south, range 6 east; thence west $3\frac{1}{2}$ miles to the southeast corner of section 16, township 2 south, range 5 east; thence north $\frac{1}{2}$ mile; thence west 3 miles to the east line of section 13, township 2 south, range 4 east; thence north $\frac{1}{2}$ mile to the northeast corner of said section 13, township 2 south, range 4 east; thence northwesterly to the northeast corner of section 10; thence northwesterly to the quarter section corner on the north line of section 4 of said township 2 south, range 4 east; thence northwesterly to the county line between Alameda and San Joaquin, at a point $\frac{1}{2}$ mile north of the south line of section 32, township 1 south, range 4 east; thence north on said county line to the bank of Old river and the northeast angle of Alameda county.

Thence west to the southeast corner of the southwest quarter of the northwest quarter of section 30, township 1 south, range 4 east; thence north $\frac{1}{4}$ mile; thence west $\frac{1}{4}$ mile; thence north $\frac{1}{4}$ mile to the northeast corner of section 25, township 1 south, range 3 east; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{4}$ mile; thence west $\frac{1}{4}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{4}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $2\frac{1}{2}$ miles; thence east $\frac{1}{4}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{4}$ mile; thence north $\frac{1}{4}$ mile, to the center of section 35, township 1 north, range 3 east; thence west $\frac{1}{4}$ mile; thence north 1 mile; thence east $\frac{1}{4}$ mile, to the center of section 26, township 1 north, range 3 east; thence north $\frac{1}{4}$ mile; thence east $\frac{1}{4}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{4}$ mile; thence north $\frac{3}{4}$ mile to the quarter section corner on the south line of section 14, township 1 north, range 3 east; thence west $\frac{1}{4}$ mile, thence north $\frac{3}{4}$ mile; thence east $\frac{1}{4}$ mile, thence north $\frac{1}{2}$ mile; thence west $\frac{1}{4}$ mile; thence north $\frac{3}{4}$ mile, to the south line of section 2, township 1 north, range 3 east; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{4}$ mile; thence west $\frac{1}{4}$ mile; thence north $\frac{1}{4}$ mile to the center of section 3, township 1 north, range 3 east; thence west $\frac{1}{4}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{4}$ mile, to the southeast corner of section 33, township 2 north, range 3 east; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{4}$ mile; thence north $\frac{1}{4}$ mile; thence west $\frac{1}{4}$ mile; thence north $\frac{1}{4}$ mile to the quarter-section corner on the north line of said section 33; thence west $\frac{1}{4}$ mile; thence north $\frac{1}{4}$ mile; thence west $\frac{3}{4}$ mile; thence north $\frac{1}{4}$ mile, to the center of section 29, township 2 north, range 3 east; thence west $\frac{1}{4}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{4}$ mile, to the southeast corner of section 19, township

Boundaries.

2 north, range 3 east; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile: thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile, to the quarter-section corner on the east line of section 24, township 2 north, range 2 east; thence west $1\frac{1}{2}$ miles to the center of section 23; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north to the San Joaquin river; thence down the San Joaquin river to a point due south from the point of beginning, thence north to the point of beginning.

Powers of district.

Said drainage district is hereby declared to be a body corporate and politic and shall have power to sue and to be sued; to acquire, own, hold, use and enjoy for the purposes mentioned in this act, any and all properties herein mentioned, or necessary for the purposes of said district.

SEC. 4. Sixteen new sections are hereby added to said act, to be known as sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, sixteen and one half, seventeen, eighteen and nineteen, and to read as follows:

Reclamation board to control.

SEC. 5. The management and control of said drainage district shall be vested in the reclamation board which shall hereafter consist of seven members, at least three of whom shall be residents or land owners of that portion of the San Joaquin valley included within said district. The members of the present reclamation board shall be members of the board as hereby enlarged. The remaining members shall be appointed by the governor of the state within thirty days after this act shall take effect. All the members, whether herein named or appointed by the governor, shall hold office at the pleasure of the governor. In case of a vacancy, the same shall be filled by the governor of the state.

Secretary.

SEC. 6. The reclamation board may employ a secretary, who may be a member of said board, and such other assistants, employees and advisors as may appear necessary and shall fix their compensation.

Maintenance of levees.

SEC. 7. The State of California and the people thereof are hereby declared to have a primary and supreme interest in having erected, maintained and protected on the banks of the Sacramento and San Joaquin rivers and their tributaries and the by-passes and overflow channels mentioned herein, good and sufficient levees and embankments or other works of reclamation, adequately protecting the lands overflowed by said streams, and confining the waters of said rivers, tributaries, by-passes and overflow channels within their respective channels, and it shall be the duty of the reclamation board at all times to enforce on behalf of the State of California and the people thereof the erection, maintenance and protection of such levees, embankments and channel rectification as will, in their judgment, best serve the interests of the State of California. The purposes and objects of this act are to carry into effect the plans of the California debris commission for the control of the flood waters of the Sacramento and San Joaquin

Purpose of act.

rivers and their tributaries, and to vest in said reclamation board control and jurisdiction over said plans and such other plans as may be adopted by said board, excepting such portions of said plans as relate to channel excavation, enlargement, rectification and control in the Sacramento river and the construction of weirs; it being the intent of this act that all work and control in the said stream and the construction of weirs shall remain with the United States and the State of California, concurrently, but this exception does not apply to the San Joaquin river and its tributaries.

This act and every part thereof shall be liberally construed to promote its objects and to carry out its intents and purposes.

liberal construction.

SEC. 8. It shall be unlawful for a member of the board to vote upon any contract or other matter in which he may have an interest or share, or for any employee of said board to receive directly or indirectly for his own use or benefit any portion or share of the money or other thing paid under any contract; but having an interest in lands within said drainage district shall not disqualify a member for voting to execute any part of said plans of flood control, or carrying out the objects of this act.

Members not to be interested in contract.

SEC. 9. The reclamation board shall have its office at the city of Sacramento, and shall elect one of its number as president. The regular meetings of said board shall be held on such dates as shall be fixed by the board, and a majority of the board shall constitute a quorum, but no action of said board shall be effective unless the same shall be concurred in by a majority of the members thereof. Special meetings may be called at any time by the president or by a majority of the members after twelve hours' notice by mail to the members. It shall be the duty of the reclamation board to keep full and correct minutes of all proceedings and transactions of all meetings of the board, which minutes shall be open for public inspection during office hours. Any other meeting of the board, at its office, when all of the members are present, shall be considered a legal meeting at which any business may be transacted. Each member of the board shall receive the necessary expenses incurred by him in the performance of his duties, and twenty dollars for each day attending the meetings of the board, but such per diem shall not exceed one thousand dollars in any one year.

Office, meetings, etc.

Compensation.

SEC. 10. The reclamation board shall require the owners of any railroad, electric railroad, wire line, wagon road or other structure crossing any of the by-passes or overflow channels herein provided for, to provide and maintain one or more suitable draws or other appliances within any such by-passes or overflow channels to permit the passage of water craft, dredgers or other machines used in the construction of reclamation works and to open said draws or appliances upon reasonable notice given by any person desiring to pass the same. Said draws or appliances shall be located at such points as

Draw-bridges over by-passes.

shall be designated by said board. A failure of the owner of any of said structures to comply with this section shall render such owner liable to any person for the damages caused to such person by such failure.

Plans to
be sub-
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board.

SEC. 11. Any plan of reclamation, drainage or other improvement that includes or contemplates the construction of any new levee, embankment, canal or other excavation along or near the banks of the said rivers or their tributaries or connected therewith, or upon any lands adjacent thereto or within any of the overflow basins thereof, or upon lands subject to overflow therefrom, must, unless approved by said board prior to the taking effect of this act, be approved by the reclamation board before such plan shall have been adopted by the trustees of any reclamation, levee, protection or drainage district or by any person, corporation or association. Any such plan shall be void unless first approved by said board, and the construction of any levee, embankment, canal or other works of reclamation at any of the places hereinbefore mentioned, without such approval, is hereby declared to be a public nuisance, and the reclamation board is hereby empowered to prosecute any suit or suits in the name of the people of the State of California for the prevention or abatement of such nuisance. This provision shall not apply to the enlargement of existing levees. No levee, embankment or other structure within any by-pass or overflow channel adopted by said board shall be raised or altered without the permission of the reclamation board, and any person who shall raise or alter any such levee, embankment or other structure without such permission, shall be guilty of a misdemeanor.

Powers of
board.

SEC. 12. The reclamation board shall have power to acquire either within or without the boundaries of the district by purchase, condemnation or by other lawful means in the name of the district, from private persons, corporations, reclamation, swamp land, levee, protection or drainage districts, or other organizations or associations, all lands, rights of way, easements, property or material necessary or requisite for the purpose of by-passes, weirs, cuts, canals, levees, overflow channels and other necessary purposes; to construct, clear and maintain by-passes, levees, canals and overflow channels; to make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the exercise of the powers by this act conferred, or arising out of the use, taking or damage of any property for any of such purposes; to maintain actions to restrain the doing of any act or thing that may be injurious to any of the works necessary to said plan of flood control or that may interfere with the successful execution of said plan or for damages for injury thereto; to establish a standard of levee construction; to do any and all things necessary or incident to the powers hereby granted or to carry out the objects specified herein; to compel by injunction, the owner or owners of any bridge, trestle, wire line, viaduct, or embankment or

other structure which shall be intersected, traversed or crossed by any by-pass, drainage canal, or overflow channel, so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through any such by-pass, drainage canal, or overflow channel, and wherever necessary in the case of existing works, to compel the removal or alteration of any such embankment or other structure; to maintain actions to restrain the diversion of the waters of any stream that will increase the flow of water in said Sacramento or San Joaquin rivers or their tributaries, and such diversion of the waters of any stream into said rivers or any of their tributaries is hereby declared to be a public nuisance which may be prevented or abated by the reclamation board. Upon application

Security
for bonds.

by any reclamation or drainage district or any owner of swamp land that has issued or that proposes to issue bonds of such district or upon such lands, the reclamation board shall examine said district or such lands and shall certify the facts relative to the value of such lands and the sufficiency of the security afforded for such bonds. No liability shall attach to the State of California by reason of such certificate.

SEC. 13. Whenever, in the opinion of said board it shall be necessary to levy an assessment upon any lands within said drainage district for any of the purposes herein specified, said board shall cause an assessment to be levied upon the lands within said drainage district for such purposes. The plans to be carried out shall be divided by said board into separate portions or projects in such manner as will in its judgment best facilitate the levying of assessments for each particular portion or project in a just and equitable manner according to benefits upon the lands in said district. Said board shall enter in the minutes of the board, a resolution to the effect that the execution of each such separate portion or project which they may determine upon is a public necessity. Each such particular portion or project shall be designated by the board in such resolution by name and number. All assessments, plans and funds intended for or connected with the execution of each particular portion or project shall be designated by such name and number and shall be kept separate and shall be used only for the purpose of carrying out such particular portion or project. For the purpose of making any such assessment the board shall appoint three assessors who shall be disinterested persons, and shall have no interest in any real estate within said drainage district, and each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of an assessor to the best of his ability. Said assessors must assess upon the lands within said drainage district the said sums so estimated by the board, and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, by reason of the expenditure

Assess-
ments.

Separate
projects.

Assessors.

Report. of said sums of money. After said assessors have examined the plan or plans of the works contemplated and the said estimates of the cost, they shall make a preliminary report to the reclamation board indicating the exterior boundaries of the lands that in their opinion will be benefited by the expenditures. The assessors shall then appoint a time and place in each county in which any of said lands are situated, when and where they will hear objections to the said report and also evidence concerning the manner in which said assessment should be apportioned. They shall give twenty days' notice of said hearings by publication in a newspaper published in each county. They shall exclude any land that will not be benefited by the expenditure of said sums and shall assess all lands that will be benefited thereby. Said assessors shall make a separate list of the lands so assessed in each county, which list shall contain a description of the tracts of land assessed, by swamp land surveys, legal subdivisions, or other boundaries or references sufficient to identify the same; the name of the owner, if known, or if unknown, that fact, and the amount of the charge assessed against each tract. No mistake in the name of the owner, or supposed owner, of any real estate shall invalidate the assessment. Said lists when completed shall be filed with the secretary of the board and said secretary shall forward to the county treasurer of each county in which any lands in said district are situated, the assessment list for such county, and the same shall be open for inspection by the public for at least thirty days. The compensation of said assessors shall be fixed and allowed by the board. The reclamation board shall appoint a time and place not less than thirty days after said list has been filed with the said treasurer when and where it will meet in each county for the purpose of hearing objections to said assessments, and notice of such hearing shall be filed with the county treasurer and published for two weeks in some newspaper published in each of said counties. At any time before the date of such hearing any person interested in any real estate upon which any charge has been assessed, may file in the office of the secretary of the board written objections to such assessment, stating the grounds of such objections, which said statement shall be verified by the affidavit of such person or some other person who is familiar with the facts. At such hearing the board shall hear such evidence as may be offered touching the correctness of such assessment or the manner of its apportionment, and may modify or amend the same, and may reapportion all or any part of the entire assessment. If said assessment shall be reapportioned, the board shall give two weeks' notice as before and proceed to hear objections in each county affected, as before, and shall then reconsider said assessment and make an order approving said assessment as finally fixed; and the decision of said board shall be final, and thereafter said assessment list shall be conclusive evidence, except in the suit hereinafter provided, that the said assessment has

Notice of hearings.

Lands.

Compensation.

Objections may be filed with board.

Assessment reapportioned.

been levied and apportioned according to law. Any person aggrieved by the decision of the board approving said assessment may commence an action against the district in the superior court of the county in which said land or the greater part thereof is situated, to have said assessment modified or annulled. Such action must be commenced within thirty days after the reclamation board has approved such assessment and shall have preference over all civil actions in fixing the time of trial. No objection to said assessment shall be considered by the court unless such objection shall have been made in writing to the reclamation board as hereinbefore prescribed, and, excepting in the action above mentioned, no action or defense shall ever be maintained attacking the said assessment in any respect.

Appeal to court.

SEC. 14. After such hearing has been had by the board in any county, said assessment list shall be certified by the secretary of the board to be correct, and said list shall be deposited in the office of the county treasurer of said county, and such assessment shall thereafter constitute a lien upon the lands so assessed and shall impart notice to all subsequent purchasers or incumbrancers or other person acquiring any interest in or lien upon said land, and all unpaid assessments shall bear interest at the rate of seven per cent per annum, and shall be paid to the county treasurer in separate installments of such amounts, and at such times, respectively, as the board, from time to time, in its discretion, may, by order entered in its minutes, direct; if any such installment shall remain unpaid at the expiration of thirty days from the date of the order, then said installment shall become delinquent, together with the accrued interest thereon, and ten per cent of the amount of said installment and interest shall be added thereto, and collected for the use of the district; *provided*, that if an action is pending in any court to have the assessment on any tract of land reviewed, modified or annulled, as provided herein, such assessment, if not annulled in said action, shall become delinquent thirty days after any judgment rendered therein shall become final. Immediately after the said installment has become delinquent, the board must publish a notice at least once a week for three weeks in some newspaper of general circulation published in the county where the land is situated, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed or a statement that it is assessed to unknown owners, if such is the fact, the amount of the delinquent installment, the amount of the interest at the date of delinquency, the amount of the penalty that has been added as above provided, and notice that the property assessed will be sold on a date therein stated, in front of the courthouse of said county, to pay said installment with accrued interest and the penalty hereinbefore specified. At the time stated in said notice or such other time to which said sale may have been postponed, the board must cause said property to be sold to the highest bidder for gold coin of the United States. Out of

Assessment lien on lands.

Delinquent installment.

Notice of delinquency.

Sale of property.

the proceeds of said sale the board must pay the amount of said installment with accrued interest thereon and the penalty herein provided for to the county treasurer of such county, and the board must pay to the owner of said property any surplus remaining after such payment to the county treasurer. The board may postpone said sale from time to time by a written notice posted at the place of sale. If no bid is made for said property equal to the amount of said installment, accrued interest and penalty, the district shall become the purchaser, and the said property must be struck off to the district for the amount of said installment, accrued interest and penalty. A certificate of such sale shall be executed by the president of the board to the purchaser, or to the district, if the property shall have been struck off to the district, and said certificate of sale shall be recorded in the office of the county recorder of the county in which the land is situated. Any person interested in said property may redeem the same at any time within one year after the date of said sale, by paying to the county treasurer the amount for which said property was sold, and interest on the said sum at the rate of ten per cent per annum from the date of said sale. If no redemption shall be made within said one year, the purchaser, or the district, if said property shall have been sold to the district, shall be entitled to a deed executed by the president of said board, after notice to any incumbrancer of said land whose incumbrance is of record, and the right of such incumbrancer to redeem said land shall continue for a period of thirty days after such notice. The effect of such deed shall be to convey said property free of all liens and incumbrances, excepting state, county and municipal taxes, assessments levied or assessed by statutory authority and the unpaid balance of assessments made by said drainage district, which said balance must be called in and collected in the same manner as other assessments; *provided*, that where property shall have been deced to the district and shall not have been sold, the same shall not be offered for sale for subsequent installments of assessments so long as the district shall remain the owner of said property, but the board may sell said property at any time at public auction after notice given for the same period and in the same manner as herein provided for sale for delinquent installments, but not for a sum less than all delinquent unpaid installments with accrued interest and penalties, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances, except state, county and other municipal taxes, assessments levied or assessed by statutory authority and the unpaid balance of said assessments of said drainage district, which balance must be called in and collected in the same manner as other assessments.

District
may purchase.

Certificate of
sale.

Redemption.

Effect of
deed.

Deposit
of money.

SEC. 15. All money collected upon sales or otherwise shall be paid to the county treasurer of the county in which the land is situated, and said money, together with all other money collected by the treasurer shall be deposited in the state treasury

to the credit of said drainage district in a fund which is hereby created and known as the Sacramento and San Joaquin drainage district fund specifying the number of the assessment from which such money was derived, and shall be paid out upon warrants of the state controller, and the controller is hereby directed to issue warrants upon said funds whenever drafts of the reclamation board shall be presented to him, and the state treasurer is hereby directed to pay such controller's warrants when there is sufficient money in the funds of said drainage district; *provided*, that all moneys collected from assessments, shall be paid out only on warrants issued for works or other expenses covered by the assessment from which such money was derived, which assessments must be numbered consecutively, to the end that all moneys raised by assessment upon any of the lands embraced in said drainage district, shall be expended only for works of reclamation or other expenses beneficial to the lands so assessed, and for the payment of warrants issued for the construction of the works and other expenses for which such assessment was levied and each warrant must designate the number of the assessment from which it is to be paid. In case there are not sufficient funds for such purpose, the state treasurer shall endorse on such warrants the date of presentation and register the same, and thereafter such warrants shall bear interest at the rate of seven per cent per annum, and must be paid in the order of their registration. Such warrants shall be considered as contracts in writing for the payment of money by said district, and the period prescribed for the commencement of an action upon said warrants is four years from the date thereof. Said warrants shall be received in payment of any assessment for work or expenses for which such warrants were issued. The reclamation board may extend the period for payment of any warrant for an additional period of four years upon application of the owner of such warrant. Whenever there is sufficient money in the treasury applicable to the payment of any outstanding warrants of the district, the state treasurer shall give notice that there is money in the treasury to pay certain warrants, giving their numbers in the order of their registration; said notice shall be published for ten days in one newspaper published in the city of Stockton and one published in the city of Sacramento. After the last publication of said notice the warrants therein mentioned shall cease to bear interest. The board shall designate a paper in each of said cities which shall be the official papers of said district for the purpose of such publication.

How paid out.

Warrants not paid.

Official paper.

lands may be charged in subsequent assessment.

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SEC. 16. In all cases in which an assessment shall be levied upon the lands embraced within said district, and if the assessment upon any tract or tracts of land shall have thereafter been adjudged invalid by any court of competent jurisdiction, or, if for any reason, such tract or tracts of land shall not have been legally charged with said assessment, then such tract or tracts of land shall be charged in any subsequent assessment with such proportion of the former assessment as the benefits

derived by said land from the purposes for which said former assessment was levied bears to the whole amount of said former assessment; or a subsequent reassessment of such tract or tracts of land may be made separately for the purpose of charging said land with its proper proportion of the said assessment.

First projects.

Estimate of costs.

SEC. 16½. One of the first projects to be considered by said board shall be that portion of the plans of the California debris commission relating to the Sacramento river and Cache slough below the junction of Yolo basin by-pass and Cache slough known as the project to enlarge the outlet of the Sacramento river. In the estimate of the sum necessary for the project last named, the board shall also ascertain the amount of any expenditures that have heretofore been made by the State of California, any municipal corporation, reclamation district, and by any owner of lands within said drainage district, or by any of them, for the purpose of purchasing rights of way for the enlargement of the outlet of the Sacramento river and actually applied to said purpose, which said sums so expended shall be legal claims against said district upon execution by the claimant of a quitclaim deed of rights of way to the district, and shall be paid from the moneys arising from the assessment for the project in this section first above mentioned. The governor is hereby authorized to execute such quitclaim deed on behalf of the State of California.

Maintenance of levees.

Costs.

Board may let contract.

SEC. 17. It shall be the duty of the reclamation board to promote the construction, completion, maintenance and repair of levees along all streams and by-passes where, in the opinion of the board, such levees are insufficient or necessary. If the owner or owners of land adjoining any stream or the outer margin of any by-pass, shall fail to construct, repair or maintain suitable levees along such stream or by-pass where such levee is in the opinion of said board necessary, the reclamation board shall notify such owner or owners that such levee is insufficient or necessary, and that unless the construction, repair or completion of such levee shall be commenced within three months and thereafter constructed, repaired or completed with reasonable diligence, the reclamation board will construct, repair or complete such levee, and will cause an assessment to be levied to pay the cost thereof to be assessed upon the lands within said drainage district directly or indirectly benefited by such levee. In said notice the board shall specify the dimensions and method of construction required for such levee. In case the construction, repair or completion of such levee shall not be commenced within three months and thereafter completed with reasonable diligence, the reclamation board is hereby empowered to let a contract or contracts for the construction or repair of said levee or the completion thereof, if construction has been previously commenced and the board shall cause an assessment to be levied to pay the cost of such levee, to be assessed upon the lands within said drainage district, and apportioned upon the lands directly and indirectly

benefited by such levee according to such benefits; said assessment shall be levied, equalized and collected in the same manner as other assessments are levied, equalized and collected pursuant to the provisions of this act. If in the opinion of the board a case of emergency exists, requiring immediate action to preserve life or property, the board may cause necessary work to be done immediately without giving the notice herein mentioned, and may cause an assessment to be levied as above prescribed to pay the cost thereof, and to pay for any damage that may have been done by the performance of such work. Emergency.

SEC. 18. Notwithstanding any provision in this act, any reclamation district, levee district, drainage district or municipal corporation within the said drainage district, now or hereafter existing shall have the right with the permission of the reclamation board to acquire by grant or eminent domain or otherwise, any right of way or other easement included in the plans of the California debris commission, hereinbefore referred to or any amendment thereto or any modification thereof for controlling the floods of the Sacramento river or its tributaries or included in any plan for the flood water of said river adopted by the board, and required by the plans of any such reclamation, levee or drainage district or municipal corporation for the consummation of its purpose as authorized by law, together with the right to construct such levees, cuts, canals or gates as may be required to complete any by-pass, and the title to any such right of way or other easement or levees, cuts, canals or gates shall be conveyed to the said drainage district upon compensation being made at the actual reasonable cost thereof. If any reclamation district, levee district, drainage district, municipal corporation, private corporation, association, or person within said drainage district, with the consent of the reclamation board, has provided or left, or shall hereafter provide or leave, any land for a by-pass or waterway for the purpose of complying with the plans, as set out in the report of the California debris commission, referred to in section 1 of this act, any amendment thereto, or any modification thereof, or shall hereafter erect any levee or levees along said by-pass or waterway, the said by-pass and levees shall be considered as a part of the work to be done pursuant to the provisions of this act and proper compensation shall be made for the right of way or easement through such by-pass and for the actual reasonable cost of construction of said levees, cuts, canals or gates. When such compensation shall have been made, such reclamation district, levee district, drainage district, municipal corporation, association, private corporation or person shall convey to the said drainage district a perpetual easement in said by-pass and levees for all purposes necessary to accomplish the objects of said report of California debris commission. In the event that any such reclamation district, levee district, drainage district, municipal corporation, private corporation, association, or person, shall with the consent of the reclamation board expend Rights of existing districts, cities, etc.

Claim against districts for cost of right of way, etc.

any sum of money in the acquisition of such right of way or other easement, or in the construction of such levees, cuts, canals or gates and shall convey the same to the district, or in the event that it, he or they has or have allowed, or shall allow, any land to be used for the purpose of a by-pass or waterway to comply with the plans of said California debris commission herein referred to, or shall construct levees along any line of any such by-pass, and shall convey a perpetual easement therein to said drainage district, it, he or they shall have a claim against the said drainage district for the reasonable cost of such right of way or other easement or of such levees, cuts, canals or gates and an assessment shall be levied upon the lands in said drainage district benefited thereby so that the same may be paid, or such cost may be included as one of the items in any assessment that may be levied in the said drainage district.

Appropriation.

SEC. 19. The sum of one hundred thousand dollars, in addition to the sums heretofore appropriated, is hereby appropriated for the use of the reclamation board, at least twenty thousand dollars of which shall be used by the board to pay the expenses of the state engineer in carrying out the directions of this act. The controller is hereby directed to draw warrants upon the state treasurer whenever drafts of the reclamation board are presented to him, and the treasurer is hereby directed to pay said controller's warrants. In the first assessment levied in said district the sum of fifty thousand dollars shall be levied, collected and paid to the state treasurer as reimbursement of one half of the above appropriation.

The State of California shall not be liable, directly or indirectly, for any obligation, claim, or liability of any kind or character, arising under, or by reason of this act, or any of the provisions thereof, in excess of the one hundred thousand dollars in and by this act appropriated.

Liability of state.

CHAPTER 171.

An act appropriating money for the construction of temporary buildings at Fresno State Normal School.

[Approved May 30, 1913. In effect immediately.]

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

Appropriation: buildings, Fresno normal.

SECTION 1. The sum of ten thousand dollars (\$10,000.00) or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the construction of temporary buildings at Fresno State Normal School.

Current expenses.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1, article IV, of the constitution, take effect immediately.

CHAPTER 172.

An act appropriating money for building and furnishing cottages at Preston School of Industry.

[Approved May 30, 1913. In effect immediately.]

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

SECTION 1. The sum of twenty-three thousand dollars (\$23,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for building and furnishing cottages and dormitories at Preston School of Industry. Appropriation:
cottages,
Preston
school.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall under the provisions of section 1 of article IV of the constitution, take effect immediately. Current
expenses.

CHAPTER 173.

An act to provide for the construction of a power house, power plant equipment, tank, pipe line, and improvements in drainage, water, heating, and electrical systems on the premises of the state normal school at Chico, California, and making an appropriation therefor.

[Approved May 30, 1913. In effect immediately.]

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

SECTION 1. The sum of five thousand seven hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law to provide for the construction of a power house, power plant equipment, tank, pipe line, and improvements in drainage, water, heating and electrical systems on the premises of the state normal school at Chico, California. The money so appropriated shall be available to pay any expense which has been incurred for said purposes subsequent to the first day of March, 1913. Appropriation:
power
plant, etc.,
Chico,
normal.

SEC. 2. This act, inasmuch as it provides an appropriation for the usual current expenses of the state shall, under the provisions of section 1, article IV, of the constitution of the State of California, take effect immediately. Current
expenses.

CHAPTER 174.

An act to provide for the celebration of the fiftieth anniversary of the battle of Gettysburg; appointing a commission in connection therewith; and making an appropriation therefor.

[Approved May 31, 1913. In effect immediately.]

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

Gettysburg anniversary commission.

SECTION 1. The governor of the State of California is hereby empowered to appoint a commission consisting of three citizens of this state which commission shall co-operate with the department commander of the department of California and Nevada, Grand Army of the Republic, for the purpose of aiding in the planning and conducting of a public celebration of the fiftieth anniversary of the battle of Gettysburg in the State of Pennsylvania on and during the first four days of July, 1913.

Transportation of veterans.

SEC. 2. Said commission shall represent this state at the said anniversary and is hereby authorized to obtain, so far as possible, the names and addresses of all the veterans now residing in the State of California who took part in the battle of Gettysburg, and to make preliminary arrangements for the transportation of such veterans to the battlefield of Gettysburg so that said veterans may attend the memorial exercises and anniversary to be held at said battlefield of Gettysburg, during the first four days of July, 1913.

Veterans eligible.

SEC. 3. Only such veterans of the civil war who actually took part in the battle of Gettysburg, and who are recommended by the said commission, whether such veterans fought with the Confederate or the Union or northern armies, shall be eligible under this act to receive free transportation to and from the battlefield of Gettysburg.

Appropriation.

SEC. 4. The sum of fifteen thousand dollars (\$15,000) or so much thereof as may be necessary is hereby appropriated out of any money in the treasury not otherwise appropriated to be used by said commission appointed pursuant to this act, to carry out the provisions of this act. Said sum of money is to be disbursed under the direction and with the approval of said commission. Said commission shall keep an accurate record of all its proceedings and transactions, and shall file with the governor of this state a full, true and complete report thereof. Said commission shall have full power to provide any system or systems for the carrying into effect of this act.

Report.

Issuance of warrants.

SEC. 5. The controller of the state is hereby authorized and directed to draw his warrant or warrants in favor of the commission created pursuant to this act upon itemized requisition of said commission up to the amount of money appropriated by this act and the state treasurer is hereby ordered and directed to pay such warrant or warrants out of said appropriation.

Current expenses.

SEC. 6. This bill, inasmuch as it provides for the usual cur-

rent expenses of the state, shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

CHAPTER 175.

An act making an appropriation for the legislative printing fund.

[Approved June 2, 1913. In effect immediately.]

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

SECTION 1. The sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of legislative printing, said amount to be paid into the legislative printing fund. Appropriation: legislative printing.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately. Current expenses.

CHAPTER 176.

An act to promote the general welfare of the people of this state as affected by accident causing the injury or death of employes in the course of their employment, by creating a liability on the part of employers to compensate such employes and their dependents for such accidental injury or death irrespective of the fault of either party, and providing the means and methods of enforcing such liability; and creating a "state compensation insurance fund" to insure employers against such liability and providing for its administration and regulating such insurance by other insurance carriers; and requiring safety in all employments and places of employment in this state and providing the means and methods of enforcing such safety; and requiring reports of industrial accidents; and providing penalties for offenses by employers, their officers, agents, and by employees and other persons and corporations; and creating an industrial accident commission, providing for its organization, defining its powers and duties and providing for a review of its orders, decisions and awards; and appropriating moneys to carry out the provisions of this act; and repealing all acts and parts of acts inconsistent with the provisions of this act.

[Approved May 26, 1913. In effect January 1, 1914.]

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

SECTION 1. This act shall be known, and may be cited, as the "workmen's compensation, insurance and safety act" and shall apply to the subjects mentioned in its title. "Workmen's compensation act."

SEC. 2. The following terms as used in this act shall, unless a different meaning is plainly required by the context, be construed as follows:

"Commis-
sion."

(1) The term "commission" means the industrial accident commission of the State of California.

"Commis-
sioner."

(2) The term "commissioner" means one of the members of the commission.

"Compens-
ation."

(3) The term "compensation" means compensation under this act and includes every benefit or payment conferred by sections twelve to thirty-six, inclusive, of this act upon an injured employee, or in the event of his death, upon his dependents, without regard to negligence.

"Dam-
ages."

(4) The term "damages" means the recovery allowed in an action at law as contrasted with compensation under this act.

"Person."

(5) The term "person" includes an individual, firm, voluntary association or a corporation.

"Insur-
ance
carrier."

(6) The term "insurance carrier" includes the state compensation insurance fund herein created and any private company, corporation or mutual association authorized under the laws of this state to insure employers against liability for compensation under this act.

"Compens-
ation pro-
visions."

(7) The phrase "compensation provisions of this act" means and includes sections twelve to thirty-five, inclusive, of this act.

"Safety
provi-
sions."

(8) The phrase "safety provisions of this act" means and includes sections fifty-one to seventy-two, inclusive, of this act.

Singular
and plural.

(9) Whenever in this act the singular is used the plural shall be included; where the masculine gender is used, the feminine and neuter shall be included.

Industrial
accident
commis-
sion
created.

SEC. 3. There is hereby created a board to consist of three members who shall be appointed by the governor from the state at large and which shall be known as the "industrial accident commission" and shall have the powers, duties and functions hereinafter conferred. Within thirty days prior to the first day of January, 1914, the governor shall appoint the three members of said commission, one for the term of two years, one for the term of three years and one for the term of four years. Thereafter, the term of office of each commissioner shall be four years. Vacancies shall be filled by appointment in the same manner for the unexpired term. Each commissioner shall receive an annual salary of five thousand dollars. Each commissioner shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office.

Salary.

Organiza-
tion of
commis-
sion.

SEC. 4. The commission shall organize by choosing one of its members as chairman. A majority of the commission shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power or authority of the commission. A vacancy on the commission shall not impair the right of the remaining members to perform all the duties and exercise all the power and author-

ity of the commission. The act of the majority of the commission, when in session as a commission, shall be deemed to be the act of the commission, but any investigation, inquiry or hearing, which the commission has power to undertake or to hold, may be undertaken or held by or before any member thereof or any referee appointed by the commission for that purpose, and every finding, order, decision, or award made by any commissioner or referee, pursuant to such investigation, inquiry or hearing, when approved and confirmed by the commission and ordered filed in its office, shall be deemed to be the finding, order, decision or award of the commission.

SEC. 5. The commission shall have a seal, bearing the following inscription: "Industrial Accident Commission State of California. seal." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal.

SEC. 6. The commission shall keep its principal office in the city and county of San Francisco, and shall also keep an office in the city of Los Angeles, and shall provide itself with suitable rooms, necessary office furniture, stationery and other supplies. For the purpose of holding sessions in other places, the commission shall have power to rent temporary quarters.

SEC. 7. The commission shall have full power and authority:

(1) To appoint as its attorney an attorney-at-law of this state, who shall hold office at the pleasure of the commission. It shall be the right and the duty of the attorney to represent and appear for the people of the State of California and the commission in all actions and proceedings involving any question under this act or under any order or act of the commission and, if directed so to do by the commission, to intervene, if possible, in any action or proceeding in which any such question is involved; to commence, prosecute and expedite the final determination of all actions or proceedings, civil or criminal, directed or authorized by the commission; to advise the commission and each member thereof, when so requested, in regard to all matters in connection with the jurisdiction, powers or duties of the commission and members thereof; and generally to perform all duties and services as attorney to the commission which may be required of him.

(2) To appoint, and it shall appoint, a secretary, who shall hold office at the pleasure of the commission. It shall be the duty of the secretary to keep a full and true record of all the proceedings of the commission, to issue all necessary processes, writs, warrants and notices which the commission is required or authorized to issue, and generally to perform such other duties as the commission may prescribe. The commission may also appoint such assistant secretaries as may be necessary and such assistant secretaries may perform any duty of the secretary, when so directed by the commission.

Manager
of insur-
ance fund.

(3) To appoint a manager of the state compensation insurance fund who shall hold office at the pleasure of the commission. It shall be the duty of such manager to manage, supervise and conduct, subject to the general direction and approval of the commission, the business and affairs of the state compensation insurance fund and to perform such other duties as the commission may prescribe. Before entering on the duties of his office, he must give an official bond in the sum of \$50,000, and take and subscribe to an official oath. Said bond must be approved by the commission, by written endorsement thereon, and be filed in the office of the secretary of state.

Bond.

Superin-
tendent
of safety.

(4) To appoint a superintendent of the department of safety, who shall hold office at the pleasure of the commission and who shall perform such duties as the commission shall prescribe.

Other
employees.

(5) To employ such other assistants, officers, experts, statisticians, actuaries, accountants, inspectors, referees and other employees, as it may deem necessary to carry out the provisions of this act, or to perform the duties and exercise the powers conferred by law upon the commission.

Compens-
ation of
employees.

SEC. 8. All officers and employees of the commission shall receive such compensation for their services as may be fixed by the commission and shall hold office at the pleasure of the commission and shall perform such duties as are imposed on them by law or by the commission. The salaries of the members of the commission, its attorney, secretary and assistant secretary, as fixed by law or the commission, shall be paid in the same manner as are the salaries of other state officers. The salary or compensation of every other person holding office or employment under the commission, as fixed by law or by the commission, shall be paid monthly, after being approved by the commission, upon claims therefor to be audited by the state board of control. All expenses incurred by the commission pursuant to the provisions of this act, including the actual and necessary traveling and other expenses and disbursements of the members thereof, its officers and employees, incurred while on business of the commission, either within or without the state, shall, unless otherwise provided in this act, be paid from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the board of control; *provided, however*, that no such expenses incurred outside of the state shall be allowed unless prior authorization therefor be obtained from the board of control.

Expenses.

Depart-
mental
expenses.

SEC. 9. In all cases in which salaries, expenses or outgoings of one department under the jurisdiction of the commission are expended in whole or in part on behalf of another department the commission may apportion the same between such departments.

Blank
forms.

SEC. 10. The commission shall cause to be printed and furnished free of charge to any employer or employee, or other person, such blank forms as it shall deem requisite to facilitate

or promote the efficient administration of this act; it shall provide a book in which shall be entered the minutes of all its proceedings, a book in which shall be recorded all awards made by the commission and such other books or records as it shall deem requisite for the proper and efficient administration of this act; all such records to be kept in the office of the commission.

Minute book.

SEC. 11. The commission shall also have power and authority:

Powers.

(1) To charge and collect the following fees: for copies of papers and records not required to be certified or otherwise authenticated by the commission, ten cents for each folio; for certified copies of official documents and orders filed in its office or of the evidence taken on proceedings had, fifteen cents for each folio.

Fees.

(2) To publish and distribute in its discretion from time to time, in addition to its annual report to the governor of the state, such further reports and pamphlets covering its operations, proceedings and matters relative to its work as it may deem advisable.

Reports.

(3) To fix and collect reasonable charges for publications issued under its authority.

(4) The fees charged and collected under this section shall be paid monthly into the treasury of the state to the credit of the "industrial accident fund" and shall be accompanied by a detailed statement thereof.

Fees paid into fund.

SEC. 12. (a) Liability for the compensation provided by this act, in lieu of any other liability whatsoever, shall, without regard to negligence, exist against an employer for any personal injury sustained by his employees by accident arising out of and in the course of the employment and for the death of any such employee if the injury shall proximately cause death, in those cases where the following conditions of compensation concur:

When liability exists against employer.

(1) Where, at the time of the accident, both the employer and employee are subject to the compensation provisions of this act.

Subject to act.

(2) Where, at the time of the accident, the employee is performing service growing out of and incidental to his employment and is acting within the course of his employment as such.

Performing service.

(3) Where the injury is proximately caused by accident, either with or without negligence, and is not so caused by the intoxication or the wilful misconduct of the injured employee.

Not caused by misconduct.

(b) Where such conditions of compensation exist, the right to recover such compensation pursuant to the provisions of this act, shall be the exclusive remedy against the employer for the injury or death, except that when the injury was caused by the employer's gross negligence or wilful misconduct and such act or failure to act causing such injury was the personal act or failure to act on the part of the employer himself, or if the employer be a partnership on the part of one

Remedy against employer.

of the partners, or if a corporation, on the part of an elective officer or officers thereof, and such act or failure to act indicated a wilful disregard of the life, limb, or bodily safety of employees, any such injured employee may, at his option, either claim compensation under this act or maintain an action at law for damages.

Other conditions.

(c) In all other cases where the conditions of compensation do not concur, the liability of the employer shall be the same as if this act had not been passed.

"Employer."

SEC. 13. The term "employer" as used in sections twelve to thirty-five, inclusive, of this act shall be construed to mean: The state, and each county, city and county, city, school district and all public corporations therein, and every person, firm, voluntary association, and private corporation, (including any public service corporation) who has any person in service under any appointment or contract of hire, or apprenticeship, express or implied, oral or written, and the legal representatives of any deceased employer.

"Employee."

SEC. 14. The term "employee" as used in sections twelve to thirty-five, inclusive, of this act shall be construed to mean: every person in the service of an employer as defined by section thirteen hereof under any appointment or contract of hire or apprenticeship, express or implied, oral or written, including aliens and also including minors, but excluding any person whose employment is both casual and not in the usual course of the trade, business, profession or occupation of his employer, and also excluding any employee engaged in farm, dairy, agricultural, viticultural or horticultural labor, in stock or poultry raising or in household domestic service.

Compensation schedule.

SEC. 15. Where liability for compensation under this act exists such compensation shall be furnished or paid by the employer and be as provided in the following schedule:

Medical treatment.

(a) Such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches and apparatus, as may reasonably be required at the time of the injury and within ninety days thereafter, to cure and relieve from the effects of the injury, the same to be provided by the employer, and in case of his neglect or refusal seasonably to do so, the employer to be liable for the reasonable expense incurred by or on behalf of the employee in providing the same.

Disability indemnity.

(b) 1. If the accident causes disability, a disability indemnity which shall be payable for one week in advance as wages on the fifteenth day after the injured employee leaves work as a result of the injury, and thereafter on the employer's regular payday, but not less frequently than twice in each calendar month, unless otherwise ordered by the commission, subject, however, to the following limitations:

(1) If the period of disability does not last longer than two weeks from the day the employee leaves work as the result of the injury, no disability indemnity whatever shall be recoverable.

(2) If the period of disability lasts longer than two weeks from the day the employee leaves work as the result of the injury, no disability indemnity shall be recoverable for the first two weeks of such disability.

2. The disability indemnity payable shall be as follows:

(1) If the accident causes temporary total disability, sixty-five per cent of the average weekly earnings during the period of such disability; Temporary disability.

(2) If the accident causes temporary partial disability, sixty-five per cent of the weekly loss in wages during the period of such disability;

(3) If the temporary disability caused by the accident is at times total and at times partial, the weekly disability indemnity during the periods of each such total or partial disability shall be in accordance with paragraphs (1) and (2) of this subdivision respectively;

(4) Paragraphs (1), (2) and (3) of this subdivision shall be limited as follows: aggregate disability indemnity for a single injury causing temporary disability shall not exceed three times the average annual earnings of the employee, nor shall the aggregate disability period for such temporary disability in any event extend beyond two hundred forty weeks from the date of the accident. Aggregate indemnity.

(5) If the accident causes permanent disability, the percentage of disability to total disability shall be determined and the disability indemnity computed and allowed as follows: for a ten per cent disability, sixty-five per cent of the average weekly earnings for a period of forty weeks; for a twenty per cent disability, sixty-five per cent of the average weekly earnings for a period of eighty weeks; for a thirty per cent disability, sixty-five per cent of the average weekly earnings for a period of one hundred twenty weeks; for a forty per cent disability, sixty-five per cent of the average weekly earnings for a period of one hundred sixty weeks; for a fifty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred weeks; for a sixty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks; for a seventy per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks, and thereafter ten per cent of such weekly earnings during the remainder of life; for an eighty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks, and thereafter twenty per cent of such weekly earnings during the remainder of life; for a ninety per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks and thereafter thirty per cent of such weekly earnings during the remainder of life; for a hundred per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks and thereafter forty per cent of such weekly earnings during the remainder of life. Permanent disability.

Inter-
mediate
schedule.

(6) The indemnity for permanent disabilities intermediate to those fixed by the foregoing schedule shall be computed and allowed as follows: if under seventy per cent, sixty-five per cent of the average weekly earnings for four weeks for each one per cent of disability; if seventy per cent or over, sixty-five per cent of the average weekly earnings for two hundred forty weeks and thereafter one per cent of such weekly earnings for each one per cent of disability in excess of sixty per cent to be paid during the remainder of life.

Determina-
tion of
injury.

(7) In determining the percentages of permanent disability, account shall be taken of the nature of the physical injury or disfigurement, the occupation of the injured employee and his age at the time of such injury.

Incapacity
due to
illness.

(8) Nothing contained in the foregoing schedule of permanent disability indemnity shall be held to limit the amount of compensation recoverable for any such permanent injury during any period of total incapacity due to illness resulting from that injury, but any sum so received shall be deducted from the compensation payable in accordance with the said schedule.

Total dis-
abilities.

(9) The following permanent disabilities shall be conclusively presumed to be total in character: Loss of both eyes or the sight thereof; loss of both hands or the use thereof; an injury resulting in a practically total paralysis; an injury to the brain resulting in incurable imbecility or insanity. In all other cases, permanent total disability shall be determined in accordance with the fact.

Death of
injured
employee.

3. The death of the injured employee shall not affect the liability of the employer under subsections (a) and (b) of this section, so far as such liability has accrued and become payable at the date of the death, and any accrued and unpaid compensation shall be paid to the dependents, if any, without administration, or if there are no dependents, to the personal representatives of the deceased employee or other person entitled thereto, but such death shall be deemed to be the termination of the disability.

Death
benefit

(c) If the accident causes death, either with or without disability, a death benefit which shall be payable in installments equal to sixty-five per cent of the average weekly earnings of the deceased employee, upon the employer's regular pay-day, but not less frequently than twice in each calendar month, unless otherwise ordered by the commission, which death benefit shall be as follows:

Leaving
person
wholly
dependent;

(1) In case the deceased employee leaves a person or persons wholly dependent upon him for support, the death benefit shall be a sum sufficient, when added to the disability indemnity which, at the time of death has accrued and become payable, under the provisions of subsection (b) hereof, to make the total disability indemnity and death benefit equal to three times his average annual earnings, such annual earnings to be taken at not less than three hundred and thirty-three dollars and thirty-three cents nor more than one thousand six hundred and sixty-six dollars and sixty-six cents.

(2) In case the deceased employee leaves no person wholly dependent upon him for support, but one or more persons partially dependent therefor, the death benefit shall be such percentage of three times such average annual earnings of the employee as the annual amount devoted by the deceased to the support of the person or persons so partially dependent bears to such average annual earnings; *provided*, that the death benefit shall not be greater than a sum sufficient, when added to the disability indemnity which, at the time of the death, has accrued and become payable under the provisions of subsection (b) hercof to make the total disability indemnity and death benefit equal to three times his average annual earnings, such average annual earnings to be taken at not less than three hundred and thirty-three dollars and thirty-three cents nor more than one thousand six hundred and sixty-six dollars and sixty-six cents.

leaving person partially dependent;

(3) If the deceased employee leaves no person dependent upon him for support, the death benefit shall consist of the reasonable expenses of his burial not exceeding one hundred dollars and such further death benefit as may be provided by law.

leaving no person dependent.

(d) Payment of compensation in accordance with the order and direction of the commission shall discharge the employer from all claims therefor.

SEC. 16. (a) Unless compensation is paid or an agreement for its payment made within the time limited in this section for the institution of proceedings for its collection, the right to institute such proceedings shall be wholly barred.

limitation of actions.

(b) The periods within which proceedings for the collection of compensation may be commenced are as follows:

(1) Proceedings for the collection of the benefit provided by subsection (a) of section fifteen or for the collection of the disability indemnity provided by subsection (b) of said section fifteen must be commenced within six months from the date of the accident, except as otherwise provided in this act.

Within six months.

(2) Proceedings for the collection of the death benefit provided by subsection (c) of said section fifteen must be commenced within one year from the date of death, and in any event within two hundred forty weeks from the date of the accident, and can only be maintained when it appears that death ensued within one year from the date of the accident, or that the accident causing death also caused disability which continued to the date of the death and for which a disability indemnity was paid, or an agreement for its payment made, or proceedings for its collection commenced within the time limited for the commencement of proceedings for the recovery of the disability indemnity.

Within one year.

(c) The payment of the disability indemnity or death benefit, or any part thereof, or agreement therefor, shall have the effect of extending the period within which proceedings for its collection may be commenced, six months from the date

Payment extends period.

of the agreement or last payment of such disability indemnity or death benefit or any part thereof.

In case of minor dependents.

(d) If an injured employee, or in the case of his death, one or more of his dependents, shall be a minor or incompetent at any time when any right or privilege accrues to such person under the provisions of this act, a general guardian, appointed by the court or a guardian *ad litem* or trustee appointed by the commission or a commissioner may, on behalf of any such person, claim and exercise any such right or privilege with the same force and effect as if no such disability existed; and no limitation of time provided by this act shall run against any such minor or incompetent unless and until such guardian or trustee is appointed.

Refusal of medical treatment.

(e) No compensation shall be payable in respect of the death or disability of an employee if his death is caused, or if and so far as his disability is caused, continued, or aggravated, by an unreasonable refusal to submit to medical treatment, or to any surgical treatment, the risk of which is, in the opinion of the commission, inconsiderable in view of the seriousness of the injury.

Previous injury no bar.

(f) The fact that an employee has suffered a previous disability, or receives compensation therefor, shall not preclude him from compensation for a later injury, or his dependents from compensation for death resulting therefrom, but in determining compensation for the later injury, or death resulting therefrom, his average annual earnings shall be fixed at such sum as will reasonably represent his annual earning capacity at the time of the later injury.

Payment during incapacity not admission of liability, etc.

(g) Any payment, allowance or benefit received by the injured employee during the period of his incapacity, or by his dependents in the event of his death, which by the terms of this act was not then due and payable or when there is any dispute or question concerning the right to compensation, shall not, in the absence of any agreement, be construed to be an admission of liability for compensation on the part of the employer, or the acceptance thereof as a waiver of any right or claim which the employee or his dependents may have against the employer, but any such payment, allowance or benefit may be taken into account by the commission in fixing the amount of the compensation to be paid.

Average weekly and annual earnings.

SEC. 17. (a) The average weekly earnings referred to in section fifteen herof shall be one fifty-second of the average annual earnings of the employee; in computing such earnings his average annual earnings shall be taken at not less than three hundred and thirty-three dollars and thirty-three cents, nor at more than one thousand six hundred and sixty-six dollars and sixty-six cents and between said limits shall be arrived at as follows:

In same employment one year.

(1) If the injured employee has worked in the same employment, whether for the same employer or not, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of three hundred times

the average daily earnings, wage or salary which he earned as such employee during the days when so employed.

(2) If the injured employee has not so worked in such employment during substantially the whole of such immediately preceding year, his average annual earnings shall consist of three hundred times the average daily earnings, wage or salary which an employee of the same class, working substantially the whole of such immediately preceding year, in the same or a similar kind of employment, in the same or a neighboring place, earned during the days when so employed.

Less than one year.

(3) In every case where for any reason the foregoing methods of arriving at the average annual earnings of the injured employee cannot reasonably and fairly be applied, such annual earnings shall be taken at such sum as, having regard to the previous earnings of the injured employee, and of other employees of the same or most similar class, working in the same or most similar employment, in the same or neighboring locality, shall reasonably represent the average annual earning capacity of the injured employee at the time of the injury in the kind of employment in which he was then working, or in any employment similar thereto.

Other cases.

(b) In determining such average weekly earnings, there shall be included the market value of board, lodging, fuel and other advantages received by the injured employee, as part of his remuneration and which can be estimated in money, but such average weekly earnings shall not include any sum which the employer paid to the injured employee to cover any special expenses entailed on him by the nature of his employment.

Items included in estimate.

(c) If the injured employee is a minor, and his incapacity, whether total or partial, is permanent, his average weekly earnings shall be deemed, within the limits fixed, to be the weekly sum, that under ordinary circumstances he would probably be able to earn after obtaining the age of twenty-one years, in the occupation in which he was employed at the time of the injury, if he had not been injured.

Estimate in case of minor.

SEC. 18. The weekly loss in wages referred to in section fifteen hereof shall consist of the difference between the average weekly earnings of the injured employee, computed according to the provisions of said section, and the weekly amount which the injured employee, in the exercise of reasonable diligence, will probably be able to earn during the disability, to be determined in view of the nature and extent of the injury. In computing such probable earnings due regard shall be had to the ability of the injured employee to compete in an open labor market.

Weekly loss in wages.

SEC. 19. (a) The following shall be conclusively presumed to be wholly dependent for support upon a deceased employee:

Persons wholly dependent for support.

(1) A wife upon a husband with whom she was living at the time of his death.

(2) A husband upon a wife upon whose earnings he is partially or wholly dependent at the time of her death.

(3) A child or children under the age of eighteen years (or over said age, but physically or mentally incapacitated from earning) upon the parent with whom he or they are living at the time of the death of such parent or for whose maintenance such parent was legally liable at the time of his death, there being no surviving dependent parent.

Depend-
ency
question
of fact.

(b) In all other cases, questions of entire or partial dependency and questions as to who constitute dependents and the extent of their dependency shall be determined in accordance with the fact, as the fact may be at the time of the death of the employee.

Persons
not de-
pendents.

(c) No person shall be considered a dependent of any deceased employee unless a member of the family of such employee or unless such person bears to such employee the relation of husband or wife, child, adopted child or stepchild, father or mother, father-in-law or mother-in-law, grandfather or grandmother, brother or sister, nephew or niece.

Division
of benefit
between
persons
wholly
and par-
tially de-
pendent.

(d) 1. If there is one or more persons wholly dependent for support upon a deceased employee, such person or persons shall receive the entire death benefit, and any person or persons partially dependent shall receive no part thereof, unless otherwise ordered by the commission.

2. If there is more than one such person wholly dependent for support upon a deceased employee, the death benefit shall be divided equally among them, unless otherwise ordered by the commission.

3. If there is more than one person partially dependent for support upon a deceased employee, and no person wholly dependent for support, the amount allowed as the death benefit shall be divided among the persons so partially dependent in proportion to the relative extent of their dependency, unless otherwise ordered by the commission.

Commis-
sion may
apportion
benefits.

(e) The death benefits shall be paid to such one or more of the dependents of the deceased, or to a trustee appointed by the commission, or a commissioner, for the benefit of the person or persons entitled, as may be determined by the commission, and the commission may, anything in this act contained to the contrary notwithstanding, apportion such benefits among the dependents in proportion to their respective needs and as may be just and equitable, and may order payment to a dependent subsequent in right, or not otherwise entitled, upon good cause being shown therefor. The person to whom the death benefit is paid for the use of the several beneficiaries shall apply the same in compliance with the findings and directions of the commission.

Notice to
employer
of acci-
dent.

SEC. 20. No claim to recover compensation under this act shall be maintained unless within thirty days after the occurrence of the accident which is claimed to have caused the injury or death, notice in writing, stating the name and the address of the person injured, the time and the place where the accident occurred, and the nature of the injury, and signed by the person injured or some one in his behalf, or in case of his

death, by a dependent or some one in his behalf, shall be served upon the employer; *provided, however*, that actual knowledge of such accident and injury on the part of such employer, or his managing agent or superintendent in charge of the work, upon which the injured employee was engaged at the time of the injury, shall be equivalent to such service; *and provided, further*, that the failure to give any such notice, or any defect or inaccuracy therein, shall not be a bar to recovery under this act if it is found as a fact in the proceedings for the collection of the claim that there was no intention to mislead or prejudice the employer, and that he was not in fact misled or prejudiced thereby.

Actual knowledge.

SEC. 21. (a) Whenever in case of injury the right to compensation under this act would exist in favor of any employee, he shall, upon the written request of his employer, submit from time to time to examination by a practicing physician, who shall be provided and paid for by the employer, and shall likewise submit to examination from time to time by any physician selected by the commission or any member or referee thereof.

Examination by physician.

(b) The request or order for such examination shall fix a time and place therefor, due regard being had to the convenience of the employee and his physical condition and ability to attend at the time and place fixed. The employee shall be entitled to have a physician provided and paid for by himself present at any such examination. So long as the employee, after such written request of the employer, shall fail or refuse to submit to such examination or shall in any way obstruct the same, his right to begin or maintain any proceeding for the collection of compensation shall be suspended, and if he shall fail or refuse to submit to such examination after direction by the commission, or any member or referee thereof, or shall in any way obstruct the same, his right to the weekly indemnity which shall accrue and become payable during the period of such failure, refusal or obstruction, shall be barred. Any physician who shall make or be present at any such examination may be required to testify as to the results thereof.

Refusal to submit to examination.

SEC. 22. Upon filing with the commission by any party in interest of an application in writing stating the general nature of any dispute or controversy concerning compensation, or concerning any right of liability arising out of, or incident thereto, jurisdiction over which is vested by this act in the commission, a time and place shall be fixed for the hearing thereof, which shall be not less than ten days nor more than forty days after the filing of such application. The person filing such application shall be known as the applicant and the adverse party shall be known as the defendant. A copy of said application, together with a notice of the time and place of hearing thereof, shall forthwith be served upon all adverse parties and may be served either as a summons in a civil action or in the same manner as any other notice that is authorized or required to be served under the provisions of

Application for hearing on dispute.

this act. A notice of the time and place of hearing shall also be served upon the applicant.

Defendant's answer.

SEC. 23. If any defendant desires to disclaim any interest in the subject-matter of the claim in controversy, or considers that the application is in any respect inaccurate or incomplete, or desires to bring any fact, paper or document to the attention of the commission as a defense to the claim, or otherwise, he must within five days after the service of the application upon him, file with or mail to the commission his answer setting forth the particulars in which the application is inaccurate or incomplete, and the facts upon which he intends to rely. A copy of such answer must be forthwith served upon all adverse parties.

Pleadings, testimony, etc.

SEC. 24. (a) No pleadings, other than the application and answer, shall be required. The hearing on the application may be adjourned from time to time and from place to place in the discretion of the commission. Either party shall have the right to be present at any hearing, in person or by attorney or by any other agent, and to present such testimony as shall be pertinent under the pleadings, but the commission may, with or without notice to either party, cause testimony to be taken, or inspection of the premises where the injury occurred to be made, or the time-books and pay roll of the employer to be examined by any commissioner or any referee appointed by the commission, and may from time to time direct any employee claiming compensation to be examined by a regular physician; the testimony so taken and the results of any such inspection or examination to be reported to the commission for its consideration.

Stipulation of facts.

(b) The parties to a controversy may stipulate the facts relative thereto in writing and file such stipulation with the commission. The commission may thereupon make its findings and award based upon such stipulation, or may in its discretion set the matter down for hearing and take such further testimony or make such further investigations as may be necessary to enable it to completely determine the matter in controversy.

Findings and award.

SEC. 25. (a) After final hearing by the commission, it shall, within thirty days, make and file (1) its findings upon all facts involved in the controversy and (2) its award which shall state its determination as to the rights of the parties.

Compensation.

(b) The commission in its award may fix and determine the total amount of compensation to be paid and specify the manner of payment, or may fix and determine the weekly disability indemnity to be paid and order payment thereof during the continuance of such disability.

Nominal disability indemnity.

(c) If, in any proceeding under sections twelve to thirty-five, inclusive, of this act, it is proved that an accident has happened for which the employer would be liable to pay compensation if disability had resulted therefrom, but it is not proved that any incapacity had resulted, the commission may, instead of dismissing the application, award a nominal dis-

ability indemnity, if it appears that disability is likely to result at a future time.

(d) The commission shall have continuing jurisdiction over all its orders, decisions and awards made and entered under the provisions of sections twelve to thirty-five, inclusive, of this act and may at any time, upon notice, and after opportunity to be heard is given to the parties in interest, rescind, alter or amend any such order, decision or award made by it upon good cause appearing therefor; *provided*, that no award of compensation shall be rescinded, altered or amended after two hundred forty-five weeks from the date of the accident. Any order, decision or award rescinding, altering or amending a prior order, decision or award shall have the same effect as is herein provided for original orders, decisions or awards.

Orders may be rescinded, altered or amended.

SEC. 26. (a) Any party affected thereby may file a certified copy of the findings and award of the commission with the clerk of the superior court for any county, or city and county, and judgment must be entered by the clerk in conformity therewith immediately upon the filing of such findings and award.

Findings may be filed with court.

(b) The certified copy of the findings and award of the commission and a copy of the judgment shall constitute the judgment roll. The pleadings, all orders of the commission, its original findings and award, and all other papers or documents filed in the cause shall remain on file in the office of the commission.

Judgment roll.

(c) The commission, or any member thereof, may stay the execution of any judgment entered upon an award of the commission, upon good cause appearing therefor and upon such terms and conditions as may be imposed. A certified copy of such order shall be filed with the clerk entering such judgment.

Stay of execution.

(d) Satisfaction of a judgment entered upon the award of the commission may be entered in the manner provided by law for the satisfaction of judgment. When a judgment is satisfied in fact, otherwise than upon an execution, the commission may, upon motion of either party or of its own motion, order the entry of satisfaction of the judgment to be made, and upon filing a certified copy of such order with the said clerk, he shall thereupon enter such satisfaction.

Satisfaction of judgment.

SEC. 27. The orders, findings, decisions or awards of the commission made and entered under sections twelve to thirty-five, inclusive, of this act may be reviewed by the courts specified in sections eighty-four and eighty-five hereof and within the time and in the manner therein specified and not otherwise.

Review of decisions by courts.

SEC. 28. No fees shall be charged by the clerk of any court for the performance of any official service required by this act, except for the docketing of awards as judgments and for certified copies of transcripts thereof. In all proceedings under this act before the commission, costs as between the parties shall be allowed or not in the discretion of the commission, and

Fees of clerk of court.

Costs.

the commission may in its discretion, where payments of compensation have been unreasonably delayed, allow the beneficiary thereof interest thereon, at not to exceed one and one half per cent per month, during such period of delay.

Interest.

Assignment of claim.

SEC. 29. (a) No claim for compensation shall be assignable before payment, but this provision shall not affect the survival thereof, nor shall any claim for compensation, or compensation awarded, adjudged or paid, be subject to be taken for the debts of the party entitled to such compensation, except as hereinafter provided.

Commission may allow attorney's fee, etc.

(b) The commission may fix and determine and allow as a lien against any amount to be paid as compensation:

(1) A reasonable attorney's fee for legal services pertaining to any claim for compensation or application filed therefor and the reasonable disbursements in connection therewith.

(2) The reasonable expense incurred by or on behalf of the injured employee and for which the employer is liable under the provisions of subsection (a) of section fifteen hereof.

(3) The reasonable burial expenses of the deceased employee, not to exceed the sum of one hundred dollars.

Notice to employer of lien.

(c) If notice in writing be given to the employer setting forth the nature and extent of any claim, that may be allowed as a lien, the said claim shall be a lien against any amount thereafter to be paid as compensation, subject to the determination of the amount and approval thereof by the commission. The commission may, in its discretion, order the amount of such claim as fixed and allowed by it paid directly to the person entitled, either in a lump sum or in installments.

Claim for legal services limited.

(d) No claim or agreement for the legal services or disbursements mentioned in paragraph (1) of subsection (b) hereof, or for the expense mentioned in paragraph (2) of said subsection (b), in excess of a reasonable amount, shall be valid or binding in any respect.

Claim for compensation given preference.

(e) A claim for compensation for the injury or death of any employee, or any award or judgment entered thereon, shall have the same preference over the other unsecured debts of the employer as is given by law to claims for wages. Such preference shall be for the entire amount of compensation to be paid, but this section shall not impair the lien of any previous award.

Principals' liability.

SEC. 30. The liability of principals and contractors for compensation under this act, when other than the immediate employer of the injured employee, shall be as follows:

(a) The principal, any general contractor and each intermediate contractor who undertakes to do, or contracts with another to do, or to have done, any work, shall be liable to pay to any employee injured while engaged in the execution of such work, or to his dependents in the event of his death, any compensation which the immediate employer is liable to pay.

(b) The person entitled to such compensation shall have the right to recover the same directly from his immediate employer, and in addition thereto the right to enforce in his own name, in the manner provided by this act, the liability for compensation imposed upon other persons by this section, either by making such other persons parties to the original application or by filing a separate application; *provided, however,* that payment in whole or in part of such compensation by either the immediate employer or other person shall, to the extent of such payment, be a bar to recovery against the other by any person entitled to such compensation.

Recovery from immediate employer.

(c) When any person, other than the immediate employer, shall have paid any compensation for which he would not have been liable independently of this section, he shall, unless he caused the injury, be entitled to recover the full amount so paid from the person primarily liable therefor.

Recovery from person primarily responsible.

(d) The liability imposed by this section upon such principal, general contractor and intermediate contractor shall be subject to the following limitations:

Limitation of liability against principal.

(1) Such liability shall exist only in cases where the injury occurred on or in or about the premises on which the principal, general contractor or intermediate contractor has undertaken to execute any work, or when such premises or work are otherwise under his control or management.

(2) Such liability shall not exist in the event that the immediate employer, or other person primarily liable for the compensation shall, previous to the happening of such accident, have taken out, and maintained in full force and effect, compensation insurance with any insurance carrier, covering his full liability for compensation to the injured person or his dependents.

(3) The commission may, in its discretion, order that execution against the principal, general contractor and any intermediate contractor, be stayed until execution against the immediate employer shall be returned unsatisfied.

Sec. 31. The making of a lawful claim against an employer for compensation under this act for the injury or death of his employee shall operate as an assignment to the employer of any right to recover damages which the injured employee, or his personal representative, or other person, may have against any other party for such injury or death, and such employer shall be subrogated to any such right and may enforce in his own name the legal liability of such other party. The amount of compensation paid by the employer, or the amount of compensation to which the injured employee or his dependents is entitled, shall not be admissible in evidence in any action brought to recover damages, but any amount collected by the employer, under the provisions of this section, in excess of the amount paid by the employer, or for which he is liable, shall be held by him for the benefit of the injured employee or other person entitled.

Claim operates as assignment of right.

No exemption by contract.

SEC. 32. (a) No contract, rule or regulation shall exempt the employer from liability for the compensation fixed by this act, but nothing in this act contained shall be construed as impairing the right of the parties interested to settle, subject to the provisions herein contained, any liability which may be claimed to exist under this act on account of such injury or death, or as conferring upon the dependents of any injured employee any interest which such employee may not divert by such settlement or for which he, or his estate, shall, in the event of such settlement by him, be accountable to such dependents or any of them.

Measure of responsibility.

(b) The compensation herein provided shall be the measure of the responsibility which the employer has assumed for injuries or death that may occur to employees in his employment when subject to the provisions of this act, and no release of liability or settlement agreement shall be valid unless it provides for the payment of full compensation in accordance with the provisions of this act or until and unless it shall be approved by the commission.

Release to be filed with commission.

(c) A copy of any such release or settlement agreement signed by both parties shall forthwith be filed with the commission. When such release or settlement agreement is filed with the commission and approved by it, the commission may of its own motion, or on the application of either party, without notice, enter its award based upon such release or settlement agreement.

Execution of release.

(d) Every such release or settlement agreement shall be in writing, duly executed and attested by two disinterested witnesses, and shall specify the date of the accident, the average weekly wages of the employee, determined according to section seventeen hereof, the nature of the disability, whether total or partial, permanent or temporary, the amount paid or due and unpaid to the employee up to the date of the release or agreement or death, as the case may be, and, if any, the amount of the payment or benefits then or thereafter to be made, and the length of time that such payment is to continue. In case of death there shall also be stated in such release or settlement agreement the date of death, the name of the widow, if any, the name and ages of all children, if any, and the names of all other dependents, if any, and whether such dependents be total or partial, and the amount paid or to be paid as a death benefit and to whom such payment is to be made.

Commission may commute compensation to lump sum.

SEC. 33. (a) At the time of making its award or at any time thereafter the commission on its own motion, either with or without notice, or upon application of either party with due notice to the other, may in its discretion, commute the compensation payable under this act to a lump sum, if it appears that such commutation is necessary for the protection of the person entitled thereto, or for the best interest of either party, or that it will avoid undue expense or hardship to either party, or that the employer has sold or otherwise disposed of the greater part of his assets, or is about to do so, or that the

employer is not a resident of this state, and the commission may order such compensation paid forthwith or at some future time.

(b) The amount of the commuted payment shall be determined in accordance with the following provisions: Rules governing commutation.

(1) If the accident causes temporary disability, the commission shall estimate the probable duration thereof and the probable amount of the temporary disability indemnity payable therefor in accordance with the provisions of section fifteen hereof and shall fix the lump sum payment at such amount so determined.

(2) If the accident causes permanent disability or death, the commission shall fix the total amount of the permanent disability indemnity or death benefit payable therefor in accordance with the provisions of said section fifteen and shall estimate the present value thereof, assuming interest at the rate of six per cent per annum, disregarding the probability of the beneficiary's death in all cases except where the percentage of permanent disability is such as to entitle the beneficiary to a life-pension, and then taking into consideration the probability of the beneficiary's death only in estimating the present value of such life pension.

(c) The commission in its discretion may order the lump sum payment, determined as hereinbefore provided, paid directly to the injured employee or to his dependents, or deposited with any savings bank or trust company authorized to transact business in this state, that will agree to accept the same as a deposit bearing interest at not less than four per cent, per annum, or the commission may order the same deposited with the state compensation insurance fund. Any such amount so deposited, together with all interest thereon, shall thereafter be held in trust for the injured employee, or in the event of his death, for his dependents, who shall have no further recourse against the employer. Payment direct, or deposit in trust. Payments from said fund, when so deposited, shall be made by the trustee only in the same amounts and at the same times as fixed by the order of the commission and until said fund and interest thereon shall be exhausted. In the appointment of the trustee preference shall be given, in the discretion of the commission, to the choice of the injured employee or his dependents. Upon the making of such payment, the employer shall present to the commission a proper receipt evidencing the same, executed either by the injured employee or his dependents, or by the trustee, and the commission shall thereupon issue its certificate in proper form evidencing the same, and such certificate, upon filing with the clerk of the superior court in which any judgment upon an award may have been entered, shall operate as a satisfaction of said award and shall fully discharge the employer from any further liability on account thereof. Payments from trust fund.

SEC. 34. (a) Nothing in this act shall affect the organization of any mutual or other insurance company, or any existing contract for insurance or the right of the employer to Mutual insurance companies not affected.

insure in mutual or other companies, in whole or in part, against liability for the compensation provided for by this act; or, to provide by mutual or other insurance, or by arrangement with his employees, or otherwise, for the payment to such employees, their families, dependents or representatives, of sick, accident or death benefits, in addition to the compensation provided for by this act.

Compensation not affected by insurance.

(b) Liability for compensation shall not be reduced or affected by any insurance, contribution, or other benefit whatsoever due to or received by the person entitled to such compensation, except as otherwise provided by this act, and the person so entitled shall, irrespective of any insurance or other contract, except as otherwise provided in this act, have the right to recover such compensation directly from the employer, and in addition thereto, the right to enforce in his own name, in the manner provided in this act, either by making the insurance carrier a party to the original application or by filing a separate application, the liability of any insurance carrier, which may, in whole or in part, have insured against liability for such compensation: *provided, however*, that payment in whole or in part of such compensation by either the employer or the insurance company shall, to the extent thereof, be a bar to recovery against the other of the amount so paid; *and provided, further*, that as between the employer and the insurance company, payment by either directly to the employee, or to the person entitled to compensation, shall be subject to the conditions of the insurance contract between them.

Insurance carrier liable to employee.

(c) Every contract insuring against liability for compensation, or insurance policy evidencing the same, must contain a clause to the effect that the insurance carrier shall be directly and primarily liable to the employee and, in the event of his death, to his dependents, to pay the compensation, if any, for which the employer is liable; that, as between the employee and the insurance carrier, the notice to or knowledge of the occurrence of the injury on the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of the insurance carrier; that jurisdiction of the employer shall, for the purpose of this act, be jurisdiction of the insurance carrier and that the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions or awards rendered against the employer under the provisions of this act.

Employee has first lien on amount due employer.

(d) Such policy must also provide that the employee shall have a first lien upon any amount which shall become owing on account of such policy to the employer from the insurance carrier and that in case of the legal incapacity or inability of the employer to receive the said amount and pay it over to the employee or his dependents, the said insurance carrier may and shall pay the same directly to the said employee or his dependents, thereby discharging to the extent of such payment the obligations of the employer to the employee, and such policy shall not contain any provisions relieving the insurance carrier from payment when the employer becomes insolvent

or is discharged in bankruptcy, or otherwise, during the period that the policy is in operation or the compensation remains owing.

(e) 1. If the employer shall be insured against liability for compensation with any insurance carrier, and if after the happening of any accident such insurance carrier shall serve or cause to be served upon any person claiming compensation against such employer a notice that it has assumed and agreed to pay the compensation, if any, for which the employer is liable, and shall file a copy of such notice with the commission, such employer shall thereupon be relieved from liability for compensation to such claimant and the insurance carrier shall, without notice, be substituted in place of the employer in any proceeding theretofore or thereafter instituted by such person to recover such compensation, and the employer shall be dismissed therefrom. Such proceeding shall not abate on account of such substitution but shall be continued against such insurance carrier.

Insurance carrier may relieve employer of responsibility.

2. If at the time of the happening of an accident for which compensation is claimed, or may be claimed, the employer shall be insured against liability for the full amount of compensation payable, or that may become payable, the employer may serve or cause to be served upon any person claiming compensation on account of the happening of such accident and upon the insurance carrier a notice that the insurance carrier has, in its policy contract or otherwise, assumed and agreed to pay the compensation, if any, for which the employer is liable, and may file a copy of such notice with the commission. If it shall thereafter appear to the satisfaction of the commission that the insurance carrier has, through the issuance of its contract of insurance or otherwise, assumed such liability for compensation, such employer shall thereupon be relieved from liability for compensation to such claimant and the insurance carrier shall, after notice, be substituted in place of the employer in any proceeding theretofore or thereafter instituted by such person to recover such compensation, and the employer shall be dismissed therefrom. Such proceeding shall not abate on account of such substitution, but shall be continued against such insurance carrier.

Notice of employer of insurance carrier's liability.

(f) Where any employer is insured against liability for compensation with any insurance carrier and such insurance carrier shall have paid any compensation for which the employer was liable, or shall have assumed the liability of the employer therefor, it shall be subrogated to all the rights and duties of the employer and may enforce any such rights in its own name.

Insurance carrier subrogated to employer's rights.

Sec. 35. (a) If any insurance policy shall be issued covering liability for compensation, which policy shall contain any limitation as to the compensation payable, such limitation shall be printed in the body of such policy in boldface type and in addition thereto the words "limited compensation policy"

"Limited compensation policy."

shall be printed on the top of the policy in boldfaced type not less than eighteen point in size.

Damages recoverable at law not insurable.

(b) No insurance carrier shall insure against the liability of the employer for damages recoverable at law by the injured employee under the optional provisions contained in section twelve hereof, and any insurance carrier liable to any such injured employee for compensation upon the payment of the same shall have the same option given by said section twelve to such employee and shall be fully subrogated to his rights, and may enforce such liability for damages against the employer in its own name, anything in the insurance contract to the contrary notwithstanding.

"State compensation insurance fund" created.

SEC. 36. There is hereby created and established a fund to be known as the "state compensation insurance fund," to be administered by the industrial accident commission of the state, without liability on the part of the state beyond the amount of said fund, for the purpose of insuring employers against liability for compensation under this act and insuring to employees and other persons the compensation fixed by this act for employees and their dependents.

Revolving fund.

SEC. 37. (a) The state compensation insurance fund shall be a revolving fund and shall consist of such specific appropriations as the legislature may from time to time make or set aside for the use of such fund, all premiums received and paid into the said fund for compensation insurance issued, all property and securities acquired by and through the use of moneys belonging to said fund and all interest earned upon moneys belonging to said fund and deposited or invested, as herein provided.

Charges against fund.

(b) Said fund shall be applicable to the payment of losses sustained on account of insurance and to the payment of the salaries and other expenses to be charged against said fund in accordance with the provisions contained in this act.

Self-supporting.

(c) Said fund shall, after a reasonable time during which it may establish a business, be fairly competitive with other insurance carriers, and it is the intent of the legislature that said fund shall ultimately become neither more nor less than self-supporting.

Commission vested with full power over fund.

SEC. 38. (a) The commission is hereby vested with full power, authority and jurisdiction over the state compensation insurance fund and may do and perform any and all things whether herein specifically designated, or in addition thereto, which are necessary or convenient in the exercise of any power, authority or jurisdiction over said fund in the administration thereof, or in connection with the insurance business to be carried on by it under the provisions of this act, as fully and completely as the governing body of a private insurance carrier might or could do.

To fix rates.

(b) The commission shall have full power and authority, and it shall be its duty, to fix and determine the rates to be charged by the state compensation insurance fund for com-

compensation insurance, and to manage and conduct all business and affairs in relation thereto, all of which business and affairs shall be conducted in the name of the state compensation insurance fund, and in that name, without any other name or title, the commission may:

(1) Sue and be sued in all the courts of the state in all actions arising out of any act, deed, matter or thing made, omitted, entered into, done, or suffered in connection with the state compensation insurance fund, the administration, management or conduct of the business or affairs relating thereto. Powers of commission.

(2) Make and enter into contracts of insurance as herein provided, and such other contracts or obligations relating to the state compensation insurance fund as are authorized or permitted under the provisions of this act.

(3) Invest and reinvest the moneys belonging to said fund as hereinafter provided.

(4) Conduct all business and affairs, relating to the state compensation insurance fund, whether herein specifically designated or in addition thereto.

(c) The commission may delegate to the manager of the state compensation insurance fund, or to any other officer, under such rules and regulations and subject to such conditions as it may from time to time prescribe, any of the powers, functions or duties, conferred or imposed on the commission under the provisions of this act in connection with the state compensation insurance fund, the administration, management and conduct of the business and affairs relating thereto, and the officer or officers to whom such delegation is made may exercise the powers and functions and perform the duties delegated with the same force and effect as the commission, but subject to its approval. May delegate powers.

(d) The commission shall not, nor shall any commissioner, officer or employee thereof, be personally liable in his private capacity for or on account of any act performed or contract or other obligation entered into or undertaken in an official capacity, in good faith and without intent to defraud, in connection with the administration, management or conduct of the state compensation insurance fund, its business or other affairs relating thereto. Not liable personally.

SEC. 39. In conducting the business and affairs of the state compensation insurance fund, the manager of the said fund or other officer to whom such power and authority may be delegated by the commission, as provided by subsection (c) of section thirty-eight hereof, shall have full power and authority: Powers of insurance fund manager.

(1) To enter into contracts of insurance, insuring employers against liability for compensation and insuring to employees and other persons the compensation fixed by this act.

(2) To sell annuities covering compensation benefits.

(3) To decline to insure any risk in which the minimum requirements of the commission with regard to construction, equipment and operation are not observed, or which is beyond

the safe carrying of the state compensation insurance fund, but shall not have power or authority, except as otherwise provided in this subdivision, to refuse to insure any compensation risk tendered with the premium therefor.

(4) To reinsure any risk or any part thereof.

(5) To inspect and audit, or cause to be inspected and audited the pay rolls of employers applying for insurance against liability for compensation.

(6) To make rules and regulations for the settlement of claims against said fund and to determine to whom and through whom the payments of compensation are to be made.

(7) To contract with physicians, surgeons and hospitals for medical and surgical treatment and the care and nursing of injured persons entitled to benefits from said fund.

Rates for
compensa-
tion insur-
ance.

SEC. 40. (a) It shall be the duty of the commission to fix and determine the rates to be charged by the state compensation insurance fund for compensation insurance coverage as herein provided, and such rates shall be fixed with due regard to the physical hazards of each industry, occupation or employment and, within each class, so far as practicable, in accordance with the elements of bodily risk or safety or other hazard of the plant or premises or work of each insured and the manner in which the same is conducted, together with a reasonable regard for the accident experience and history of each such insured, and the means and methods of caring for injured persons, but such rates shall take no account of the extent to which the employees in any particular establishment have or have not persons dependent upon them for support.

How deter-
mined.

(b) The rates so made shall be that percentage of the pay roll of any employer which, in the long run and on the average, shall produce a sufficient sum, when invested at three and one half per cent interest:

(1) To carry all claims to maturity; that is to say the rates shall be based upon the "reserve" and not upon the "assessment" plan;

(2) To meet the reasonable expenses of conducting the business of such insurance;

(3) To produce a reasonable surplus to cover the catastrophe hazard.

Rates
either
limited
or un-
limited.

SEC. 41. The insurance contracts entered into between the state compensation insurance fund and persons insuring therewith may be either limited or unlimited and issued for one year or, in the form of stamps or tickets or otherwise, for one month or any number of months less than one year, or for one day or any number of days less than one month, or during the performance of any particular work, job or contract; *provided*, that the rates charged shall be proportionately greater for a shorter than for a longer period and that a minimum premium charge shall be fixed in accordance with a reasonable rate for insuring one person for one day. Nothing in this act shall be construed to prevent any person applying for compensation insurance from being covered temporarily until

the application is finally acted upon, or to prevent the insured from surrendering any policy at any time and having returned to him the difference between the premium paid and the premium at the customary short term for the shorter period which such policy has already run. The state compensation insurance fund may at any time cancel any policy, after due notice, upon a pro rata basis of premium repayment.

SEC. 42. The state compensation insurance fund may issue policies, including with their employees, employers who perform labor incidental to their occupations, and including also members of the families of such employers engaged in the same occupation, such policies insuring to such employers and working members of their families the same compensations provided for their employees, and at the same rates; *provided*, that the estimations of their wage values, respectively, shall be reasonable and separately stated in and added to the valuation of their pay rolls upon which their premium is computed. Such policies may likewise be sold to self-employed persons and to casual employees, who, for the purpose of such insurance, shall be deemed to be employees within the meaning of sections twelve to thirty-five, inclusive, of this act.

Policies for employers, etc.

SEC. 43. The treasurer of the state shall be custodian of all moneys and securities belonging to the state compensation insurance fund, except as otherwise provided in this act, and shall be liable on his official bond for the safe-keeping thereof. All moneys belonging to said fund collected or received by the commission, or the manager of the state compensation insurance fund, under and by virtue of the provisions of this act, shall be delivered to the treasurer of the state or may be deposited to his credit in such bank or banks throughout the state as he may, from time to time, designate, and such moneys when so delivered or deposited shall be credited by the treasurer to the said fund and no moneys received or collected on account of such fund shall be expended or paid out of such fund without first passing into the state treasury and being drawn therefrom as provided in this act. In like manner there shall be delivered to the treasurer all securities belonging to said fund which shall be held by him until otherwise disposed of as provided in this act.

State treasurer custodian of fund.

SEC. 44. (a) The commission shall submit each month to the state board of control an estimate of the amount necessary to meet the current disbursements from the state compensation insurance fund during each succeeding calendar month and, when such estimate shall be approved by the state board of control, the controller is directed to draw his warrant on said fund in favor of said commission for such amount, and the treasurer is authorized and directed to pay the same.

Monthly estimate to board of control.

(b) At the end of each calendar month the commission shall account to the state board of control and the state controller for all moneys so received, furnishing proper vouchers therefor.

Monthly accounting.

(c) During the months of January and of July of each year the state board of control or the commission shall cause a

Semi-annual valuation of properties.

valuation to be made of the properties and securities which have been acquired and which are held for said fund, and shall report the results of the same to the state controller, whose duty it shall be to keep a special ledger account showing all of the assets pertaining to the state compensation insurance fund. In the controller's general ledger this fund account may be carried merely as a cash account, like other accounts of funds in the state treasury, and therein only the actual cash coming into the state compensation insurance fund shall be credited to such fund.

Investment of surplus.

SEC. 45. (a) The commission shall cause all moneys in the state compensation insurance fund, in excess of current requirements, to be invested and reinvested, from time to time, in the securities now or hereafter authorized by law for the investment of funds of savings banks.

(b) The commission shall, from time to time, submit to the state board of control an estimate of the amount required by it for investment, which estimate shall be accompanied by a full description of the kind and character of the investments to be made and, when such estimate shall be approved by the state board of control, the controller is directed to draw his warrant on the state compensation insurance fund in favor of the commission for such amount and the treasurer is authorized and directed to pay the same.

(c) At the end of each calendar month the commission shall account to the said board of control and the state controller for all moneys so received, furnishing proper vouchers therefor.

(d) All moneys in said fund, in excess of current requirements and not otherwise invested, may be deposited by the state treasurer from time to time in the banks authorized by law to receive deposits of public moneys under the same rules and regulations that govern the deposit of other public funds and the interest accruing thereon shall be credited to the state compensation insurance fund.

Counties may insure.

SEC. 46. Each county, city and county, city, school district or other public corporation within the state, may insure against its liability for compensation, with the state compensation insurance fund and not with any other insurance carrier unless such fund shall refuse to accept the risk when the application for insurance is made, and the premium therefor shall be a proper charge against the general fund of each such political subdivision of the state.

Schedules of rates to be furnished certain officers.

SEC. 47. When the premium rates for insurance in the state compensation insurance fund shall have been established the commission shall furnish schedules of rates and copies of the forms of policy to the commissioner of labor, to the clerk and to the treasurer of every county, city and county, and city in the state, and it shall be the duty of every public officer to whom the foregoing may be furnished to fill out and transmit to the manager of the state compensation insurance fund applications for compensation insurance in such fund and to receive and transmit to said manager all premiums paid on account of any policy issued or applied for.

SEC. 48. The commission shall each quarter make to the governor of the state, reports of the business done by the state compensation insurance fund during the previous quarter, and a statement of the fund's resources and liabilities, and it shall be the duty of the state board of control to audit such reports and to cause an abstract thereof to be published one or more times in at least two newspapers of general circulation in the state. The commission shall likewise make to the state insurance commissioner all reports required by law to be made by other insurance carriers.

Quarterly report to governor.

SEC. 49. Any employer who shall wilfully misrepresent the amount of the pay roll upon which his premium under this act is to be based shall be liable to the state in ten times the amount of the difference in premium paid and the amount the employer should have paid had his pay roll been correctly computed, and the liability to the state under this section shall be enforced in a civil action in the name of the state compensation insurance fund and any amount so collected shall become a part of said fund.

Penalty for misrepresenting pay roll.

SEC. 50. Any person who wilfully misrepresents any fact in order to obtain insurance at less than the proper rate for such insurance, or in order to obtain any payments out of such fund, shall be guilty of a misdemeanor.

Other misrepresentation, misdemeanor.

SEC. 51. The following terms, as used in sections fifty-one to seventy-two, inclusive, of this act, shall, unless a different meaning is plainly required by the context, be construed as follows:

Definitions:

(1) The phrase "place of employment" shall mean and include every place, whether indoors or out or underground, or elsewhere, and the premises appurtenant thereto, where, either temporarily or permanently, any industry, trade, work or business is carried on, or where any process or operation directly or indirectly related to any industry, trade, work or business, is carried on, and where any person is directly or indirectly employed by another for direct or indirect gain or profit, but shall not include any place where persons are employed solely in farm, dairy, agricultural, viticultural or horticultural labor, in stock or poultry raising or in household domestic service.

"place of employment";

(2) The term "employment" shall mean and include any trade, work, business, occupation or process of manufacture, or any method of carrying on such trade, work, business, occupation or process of manufacture in which any person may be engaged, except where persons are employed solely in farm, dairy, agricultural, viticultural or horticultural labor, in poultry or stock raising or in household domestic services.

"employment";

(3) The term "employer" shall mean and include every person, firm, voluntary association, corporation, officer, agent, manager, representative or other person having control or custody of any employment, place of employment or of any employee.

Definitions: "employer";

"employee"; (4) The term "employee" shall mean and include every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go to work or be at any time in any place of employment.

"order"; (5) The term "order" shall mean and include any decision, rule, regulation, direction, requirement or standard of the commission or any other determination arrived at or decision made by such commission under the safety provisions of this act.

"general order"; (6) The term "general order" shall mean and include such order made, under the safety provisions of this act, as applies generally throughout the state to all persons, employments or places of employment, or all persons, employments or places of employment of a class under the jurisdiction of the commission. All other orders of the commission shall be considered special orders.

"local order"; (7) The term "local order" shall mean and include any ordinance, order, rule or determination of any board of supervisors, city council, board of trustees or other governing body of any county, city and county, city or of any school district or other public corporation, or an order or direction of any other public official or board or department upon any matter over which the industrial accident commission has jurisdiction.

"safe," "safety"; (8) The terms "safe" and "safety" as applied to an employment or a place of employment shall mean such freedom from danger to the life or safety of employees as the nature of the employment will reasonably permit.

"safety device"; "safeguard"; (9) The terms "safety device" and "safeguard" shall be given a broad interpretation so as to include any practicable method of mitigating or preventing a specific danger.

Duty of employer. SEC. 52. Every employer shall furnish employment which shall be safe for the employees therein and shall furnish a place of employment which shall be safe for employees therein, and shall furnish and use such safety devices and safeguards, and shall adopt and use such practices, means, methods, operations and processes as are reasonably adequate to render such employment and place of employment safe, and shall do every other thing reasonably necessary to protect the life and safety of such employees.

Employee not to go into unsafe place. SEC. 53. No employer shall require, permit or suffer any employee to go or be in any employment or place of employment which is not safe, and no such employer shall fail to furnish, provide and use safety devices and safeguards or fail to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and no such employer shall fail or neglect to do every other thing reasonably necessary to protect the life and safety of such employees, and no such employer shall occupy or maintain any place of employment that is not safe.

Unsafe structures. SEC. 54. No employer, owner or lessee of any real property in this state shall construct or cause to be constructed any place of employment that is not safe.

SEC. 55. No employee shall remove, displace, damage, destroy or carry off any safety device or safeguard furnished and provided for use in any employment or place of employment, or interfere in any way with the use thereof by any other person, or interfere with the use of any method or process adopted for the protection of any employee in such employment, or place of employment, or fail or neglect to do every other thing reasonably necessary to protect the life and safety of such employees.

Removing safety device prohibited.

SEC. 56. The commission is vested with full power and jurisdiction over, and shall have such supervision of, every employment and place of employment in this state as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment and place of employment to be safe, and requiring the protection of the life and safety of every employee in such employment or place of employment.

Supervision of places of employment.

SEC. 57. The commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules or regulations, or otherwise:

Powers.

(1) To declare and prescribe what safety devices, safeguards or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as required by law or lawful order.

safety devices.

(2) To fix such reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption, installation, use, maintenance and operation of safety devices, safeguards and other means or methods of protection, to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life and safety of employees in employments and places of employment.

standards of safety.

(3) To fix and order such reasonable standards for the construction, repair and maintenance of places of employment as shall render them safe.

standards of construction.

(4) To require the performance of any other act which the protection of the life and safety of employees in employments and places of employment may demand.

protection of life.

(5) To declare and prescribe the general form of industrial accidents reports, the accidents to be reported and the information to be furnished in connection therewith, and the time within which such reports shall be filed. Nothing in this act contained shall be construed to prevent the commission from requiring supplemental accident reports.

forms of accidents reports.

SEC. 58. Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and issuing a general safety order or orders as authorized by section fifty-seven hereof, the commission shall cause a notice of such hearing to be published in one or more daily newspapers of general circulation published and circulated in the city and county of San Francisco, and also in one or more daily newspapers of general circulation published and circulated in the county of

Publication of hearing on general safety orders.

Los Angeles, such newspapers to be designated by the commission for that purpose. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any general order issued by the commission after hearing had.

May order places, etc, made safe.

SEC. 59. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that any employment or place of employment is not safe or that the practices or means or methods or operations or processes employed or used in connection therewith are unsafe, or do not afford adequate protection to the life and safety of employees in such employments and places of employment, the commission shall make and enter and serve such order relative thereto as may be necessary to render such employment or place of employment safe and protect the life and safety of employees in such employments and places of employment and may in said order direct that such additions, repairs, improvements or changes be made and such safety devices and safeguards be furnished, provided and used, as are reasonably required to render such employment or place of employment safe, in the manner and within the time specified in said order.

Time for complying with order

SEC. 60. The commission may, upon application of any employer, or other person affected thereby, grant such time as may reasonably be necessary for compliance with any order, and any person affected by such order may petition the commission for an extension of time, which the commission shall grant if it finds such an extension of time necessary.

May investigate unsafe places.

SEC. 61. Whenever the commission shall learn or have reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employee it may, of its own motion, or upon complaint, summarily investigate the same, with or without notice or hearings, and after a hearing upon such notice as it may prescribe, the commission may enter and serve such order as may be necessary relative thereto, anything in this act to the contrary notwithstanding.

Duty of employer, etc, to comply with orders

SEC. 62. Every employer, employee and other person shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the commission in connection with the matters herein specified, or in any way relating to or affecting safety of employments or places of employment, or to protect the life and safety of employees in such employments or places of employment, and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation.

Review of orders by court.

SEC. 63. The orders of the commission, general or special, its rules or regulations, findings and decisions, made and entered under the safety provisions of this act, may be reviewed by the courts specified in sections eighty-four and eighty-five of this act and within the time and in the manner therein specified and not otherwise.

SEC. 64. Nothing contained in this act shall be construed to deprive the board of supervisors of any county, or city and county, the board of trustees of any city, or any other public corporation or board or department, of any power or jurisdiction over or relative to any place of employment; *provided*, that whenever the commission shall, by order, fix a standard of safety for employments or places of employment, such order shall, upon the filing by the commission of a copy thereof with the clerk of the county, city and county, or city to which it may apply, establish a minimum requirement concerning the matters covered by such order and shall be construed in connection with any local order relative to the same matter and to amend or modify any requirement in such local order not up to the standard of the order of the commission.

County and city authorities not deprived of power.

SEC. 65. The commission shall have further power and authority:

(1) To establish and maintain museums of safety and hygiene in which shall be exhibited safety devices, safeguards and other means and methods for the protection of the life and safety of employees, and to publish and distribute bulletins on any phase of this general subject.

Museums of safety.

(2) To cause lectures to be delivered, illustrated by stereopticon or other views, diagrams or pictures, for the information of employers and their employees and the general public in regard to the causes and prevention of industrial accidents, occupational diseases and related subjects.

Lectures on accidents.

(3) To appoint advisers who shall, without compensation assist the commission in establishing standards of safety and the commission may adopt and incorporate in its general orders such safety recommendations as it may receive from such advisers.

Advisers on standards of safety.

SEC. 66. Every order of the commission, general or special, its rules and regulations, findings and decisions, made and entered under the safety provisions of this act shall be admissible as evidence in any prosecution for the violation of any of the said provisions and shall, in every such prosecution, be conclusively presumed to be reasonable and lawful and to fix a reasonable and proper standard and requirement of safety, unless, prior to the institution of the prosecution for such violation or violations, proceedings for a rehearing thereon or a review thereof shall have been instituted as provided in sections eighty-one to eighty-five, inclusive, of this act and not then finally determined.

Orders, etc., as evidence.

SEC. 67. Every employer, employee or other person who, either individually or acting as an officer, agent or employee of a corporation or other person, violates any safety provision contained in sections fifty-two, fifty-three, fifty-four or fifty-five of this act, or any part of any such provision, or who shall fail or refuse to comply with any such provision or any part thereof, or who, directly or indirectly, knowingly induces another so to do is guilty of a misdemeanor. In any prosecution under this section it shall be deemed *prima facie* evidence

Penalty for not complying with orders.

of a violation of any such safety provision, that the accused has failed or refused to comply with any order, rule, regulation or requirement of the commission relative thereto and the burden of proof shall thereupon rest upon the accused to show that he has complied with such safety provision.

Separate offenses.

SEC. 68. Every violation of the provisions contained in sections fifty-two, fifty-three, fifty-four, or fifty-five, of this act, or any part or portion thereof, by any person or corporation is a separate and distinct offense, and, in the case of a continuing violation thereof, each day's continuance thereof shall constitute a separate and distinct offense.

Fines paid into fund.

SEC. 69. All fines imposed and collected under prosecutions for violations of the provisions of sections fifty-one to seventy-two inclusive of this act, shall be paid into the state treasury to the credit of the "accident prevention fund," which fund is hereby created.

May not divulge confidential information.

SEC. 70. It shall be unlawful for any member of the commission, or for any officer or employee of the commission, to divulge to any person not connected with the administration of this act any confidential information obtained from any person, concerning the failure of any other person to keep any place of employment safe, or concerning the violation of any order, rule or regulation issued by the commission. Any member of the commission or any officer or employee of the commission divulging such confidential information shall be guilty of a misdemeanor.

Employers' reports of accidents to employees.

SEC. 71. (a) Every employer of labor, and every insurance carrier, is hereby required to file with the commission, under such rules and regulations as the commission may from time to time make, a full and complete report of every accident to an employee arising out of or in the course of his employment and resulting in loss of life or injury to such person. Such reports shall be furnished to the commission in such form and such detail as the commission shall from time to time prescribe, and shall make specific answers to all questions required by the commission under its rules and regulations. Any such employer or insurance carrier who shall furnish such report shall be exempt from furnishing any similar report or reports authorized or required under the laws of this state.

Answers to questions of commission.

(b) Every employer or insurance carrier receiving from the commission any blanks with directions to fill out the same shall cause the same to be properly filled out so as to answer fully and correctly each question propounded therein; in case he is unable to answer any such questions a good and sufficient reason shall be given for such failure.

Information not open to public.

(c) No information furnished to the commission by an employer or an insurance carrier shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. Any officer or employee of the commission who, in violation of the provisions of this subsection, divulges any information shall be guilty of a misdemeanor.

SEC. 72. (a) The commission shall investigate the cause of all industrial accidents occurring within the state in any employment or place of employment, or directly or indirectly arising from or connected with the maintenance or operation of such employment or place of employment, resulting in personal injury or death and requiring, in the judgment of the commission, such investigation; and the commission shall have the power to make such orders or recommendations with respect to such accidents as may be just and reasonable, provided that neither the order nor the recommendation of the commission, nor any accident report filed with the commission, shall be admitted as evidence in any action for damages or any proceeding to recover compensation, based on or arising out of such injury or death.

Commission to investigate all industrial accidents.

(b) For the purpose of making any investigation which the commission is authorized to make under the provisions of this section, or for the purpose of collecting statistics or examining the provisions made for the safety of employees, any member of the commission, inspector or other person designated by the commission for that purpose, may enter any place of employment.

May enter places of employment.

(c) Any employer, insurance carrier or any other person who shall violate or omit to comply with any of the provisions of this section, or who shall in any way obstruct or hamper the commission, any commissioner or other person conducting any investigation authorized to be undertaken or made by the commission, shall be guilty of a misdemeanor.

Penalty for obstructing investigation.

SEC. 73. (a) All proceedings for the recovery of compensation, or concerning any right or liability arising out of or incidental thereto, or for the enforcement against the employer or an insurance carrier of any liability for compensation imposed upon him by this act in favor of the injured employee, his dependents or any third person, or for the determination of any question as to the distribution of compensation among dependents or other persons or for the determination of any question as to who are dependents of any deceased employee, or what persons are entitled to any benefit under the compensation provisions of this act, or for obtaining any order which by this act the commission is authorized to make, shall be instituted before the commission, and not elsewhere, except as otherwise in this act provided, and the commission is hereby vested with full power, authority and jurisdiction to try and finally determine all such matters, subject only to the review by the courts in this act specified and in the manner and within the time in this act provided.

Proceedings before commission.

(b) All orders, rules and regulations, findings, decisions and awards of the commission in conformity with law shall be in force and shall be prima facie lawful; and all such orders, rules and regulations, findings, decisions and awards shall be conclusively presumed to be reasonable and lawful, until and unless they are modified or set aside by the commission or upon a review by the courts in this act specified and within the time and in the manner herein specified.

Orders law full.

Service of
notice.

SEC. 74. (a) Any notice, order or decision required by this act to be served upon any person or party either before, during or after the institution of any proceeding before the commission, may be served in the manner provided by chapter V, title XIV of part II of the Code of Civil Procedure of this state, unless otherwise directed by the commission or a member thereof, in which event the same shall be served in accordance with the order or direction of said commission or member thereof.

Secretary
and in-
spectors
have
powers
of peace
officers.

(b) The secretary, assistant secretary and the inspectors appointed by the commission shall have all of the powers conferred by law upon peace officers to carry weapons, make arrests and serve warrants and other process in any county or city and county of this state.

Notices
affecting
state, etc.

(c) Any such notice, order or decision affecting the state or any city and county, city, school district or public corporation therein, shall be served upon the same officer, officers, person or persons, upon whom the service of similar notices, orders or decisions is authorized by law.

SEC. 75. The commission shall have full power and authority:

Rules of
practice.

(1) To adopt reasonable and proper rules of practice and procedure;

Appear-
ance of
minors.

(2) To regulate and provide the manner, and by whom, minors and incompetent persons shall appear and be represented before it;

Guardian
ad litem.

(3) To appoint a trustee or guardian *ad litem* to appear for and represent any such minor or incompetent upon such terms and conditions as it may deem proper; and such guardian or trustee must give a bond in the same form and of the same character required by law from a guardian appointed by the courts and in such an amount as the commission or a commissioner may fix and determine, such bond to be approved by the commission or a commissioner, and such guardian or trustee shall not be discharged from liability until he shall have filed an account with the commission or with the probate court and such account shall have been approved. The trustee or guardian shall be entitled to receive such compensation for his services as shall be fixed and allowed by the commission or by the probate court;

Joinder of
persons.

(4) To provide for the joinder in the same proceeding of all persons interested therein, whether as employer, insurance carrier, employee, dependent, creditor or otherwise;

Notices.

(5) To regulate and prescribe the kind and character of notices, where not otherwise prescribed by this act, and the service thereof;

Evidence.

(6) To regulate and prescribe the nature and extent of the proofs and evidence.

Reference
of cases.

SEC. 76. (a) The commission may by order entered upon its minutes, upon the agreement of the parties, upon the application of either, or of its own motion, and either with or without notice, direct and order a reference in the following cases:

(1) To try any or all of the issues in any proceeding before it, whether of fact or of law, and to report a finding, order, decision or award to be based thereon.

(2) To ascertain a fact necessary to enable the commission to determine any proceeding before it or to make any order, decision or award that the commission is authorized to make under this act, or that is necessary for the information of the commission.

(b) The commission may appoint one or more referees in any proceeding, as it may deem necessary or advisable, and may refer separate matters arising out of the same proceeding to different referees. It may also, in its discretion, appoint general referees who are residents of the county or city and county for which they are appointed and who shall hold office during the pleasure of the commission. Any referee appointed by the commission shall have such powers, jurisdiction and authority as is granted under the law, by the order of appointment and by the rules of the commission and shall receive such salary or compensation for his services as may be fixed by the commission. Referees.

(c) Any party to the proceeding may object to the appointment of any person as referee upon any one or more of the grounds specified in section 641 of the Code of Civil Procedure and such objection must be heard and disposed of by the commission. Affidavits may be read and witnesses examined as to such objections. Objection to referee.

(d) Before entering upon his duties, the referee must be sworn before an officer authorized to administer oaths, faithfully and fairly to hear and determine the allegations and evidence of the parties in relation to the matters in the reference, and to make just findings and report according to his understanding. Oath of referee.

(e) The referee must report his findings in writing to the commission within twenty days after the testimony is closed. Such report shall be made in the form prescribed by the commission and shall include all matters required to be included in the order of reference or by the rules of the commission. The facts found and conclusions of law must be separately stated. Referee's findings.

(f) Upon the filing of the report of the referee, the commission may confirm, adopt, modify or set aside the same or any part thereof and may, either with or without further proceedings, and either with or without notice, enter its order, findings, decision or award based in whole or in part upon the report of the referee. Action on report.

Sec. 77. (a) All hearings and investigations before the commission or any member thereof, or any referee appointed thereby, shall be governed by this act and by the rules of practice and procedure adopted by the commission, and in the conduct thereof neither the commission nor any member thereof nor any referee appointed thereby shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony shall invalidate any order, Rules of procedure and of evidence.

decision, award, rule or regulation made, approved or confirmed by the commission.

Deposition
of wit-
nesses.

(b) The commission or any member thereof or any party to the action or proceeding may, in any investigation or hearing before the commission, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state, and to that end may compel the attendance of witnesses and the production of books, documents, papers and accounts.

Power to
administer
oaths.
Issue sub-
pœnas,
etc.

SEC. 78. The commission and each member thereof, its secretary and referees, shall have power to administer oaths, certify to all official acts, and to issue subpœnas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the state. Each witness who shall appear, by order of the commission or a member thereof, or a referee appointed thereby, shall be entitled to receive, if demanded, for his attendance the same fees and mileage allowed by law to a witness in civil cases, which amount shall be paid by the party at whose request such witness is subpoenaed, unless otherwise ordered by the commission. When any witness who has not been required to attend at the request of any party is subpoenaed by the commission his fees and mileage may be paid from the funds appropriated for the use of the commission in the same manner as other expenses of the commission are paid. Any witness subpoenaed, except one whose fees and mileage may be paid from the funds of the commission, may, at the time of service, demand the fee to which he is entitled for travel to and from the place at which he is required to appear, and one day's attendance. If such witness demands such fees at the time of service, and they are not at that time paid or tendered, he shall not be required to attend before the commission, member thereof, or referee as directed in the subpoena. All fees or mileage to which any witness is entitled under the provisions of this section may be collected by action therefor instituted by the person to whom such fees are payable.

Fees and
mileage of
witnesses.

Superior
court may
compel wit-
nesses to
attend.

SEC. 79. The superior court in and for the county, or city and county, in which any inquiry, investigation, hearing or proceeding may be held by the commission or any member thereof or referee appointed thereby, shall have the power to compel the attendance of witnesses, the giving of testimony and the production of papers, including books, accounts and documents, as required by any subpoena issued by the commission or member thereof or referee. The commission or the member thereof or the referee before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court in and for the county, or city and county, in which the proceeding is pend-

ing, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers, and that the witness has been subpoenaed in the manner prescribed in this act, and that the witness has failed and refused to attend or produce the papers required by the subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify or produce said papers before the commission. The court, upon the petition of the commission or such member thereof or referee, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he had not attended and testified or produced said papers before the commission, member thereof or referee. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission or member thereof or referee, the court shall thereupon enter an order that said witness appear before the commission or member thereof or referee at a time and place to be fixed in such order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this section is cumulative, and shall not be construed to impair or interfere with the power of the commission or a member thereof to enforce the attendance of witnesses and the production of papers, and to punish for contempt in the same manner and to the same extent as courts of record.

Order to attend.

Remedy cumulative.

SEC. 80. (a) The commission is hereby vested with full power, authority and jurisdiction to do and perform any and all things, whether herein specifically designated, or in addition thereto, which are necessary or convenient in the exercise of any power, authority or jurisdiction conferred upon it under this act.

Power to do all things necessary.

(b) The commission and each member thereof shall have power to issue writs of summons, warrants of attachment, warrants of commitment and all necessary process in proceedings for contempt, in like manner and to the same extent as courts of record. The process issued by the commission or any member thereof shall extend to all parts of the state and may be served by any persons authorized to serve process of courts of record, or by any person designated for that purpose by the commission or any member thereof. The person executing any such process shall receive such compensation as may be allowed by the commission, not to exceed the fees now prescribed by law for similar services, and such fees shall be paid in the same manner as provided herein for the fees of witnesses.

May issue all necessary process.

SEC. 81. (a) Any party or person aggrieved directly or indirectly by any final order, decision, award, rule or regulation of the commission, made or entered under any provision

Application for rehearing.

contained in this act. may apply to the commission for a rehearing in respect to any matters determined or covered by such final order, decision, award, rule or regulation and specified in the application for rehearing within the time and in the manner hereinafter specified, and not otherwise.

When
cause of
action ac-
crued in
court.

(b) No cause of action arising out of any such final order, decision or award shall accrue in any court to any person until and unless such person shall have made application for such rehearing, and such application shall have been granted or denied; *provided*, that nothing herein contained shall be construed to prevent the enforcement of any such final order, decision, award, rule or regulation in the manner provided in this act.

Matter
contained
in appli-
cation.

(c) Such application shall set forth specifically and in full detail the grounds upon which the applicant considers said final order, decision, award, rule or regulation is unjust or unlawful, and every issue to be considered by the commission. Such application must be verified upon oath in the same manner as required for verified pleadings in the courts of record and must contain a general statement of any evidence or other matters upon which the applicant relies in support thereof. The applicant for such rehearing shall be deemed to have finally waived all objections, irregularities and illegalities concerning the matter upon which such rehearing is sought other than those set forth in the application for such rehearing.

Service
on adverse
parties.

(d) A copy of such application for rehearing shall be served forthwith on all adverse parties, if any, and any such adverse party may file an answer thereto within ten days thereafter. Such answer must likewise be verified. If there are no adverse parties, such application may be heard *ex parte* or the commission may require the application for rehearing to be served on such parties as may be designated by it.

Action on
applica-
tion.

(e) Upon filing of an application for a rehearing, if the issues raised thereby have theretofore been adequately considered by the commission, it may determine the same by confirming without hearing its previous determination, or if a rehearing is necessary to determine the issues raised, the commission shall order a rehearing thereon and consider and determine the matter or matters raised by such application. Notice of the time and place of such rehearing shall be given to the applicant and the adverse parties, if any, and to such other persons as the commission may order.

Commis-
sion may
modify
original
order.

(f) If after such rehearing and a consideration of all the facts, including those arising since the making of the order, decision or award involved, the commission shall be of the opinion that the original order, decision or award or any part thereof, is in any respect unjust or unwarranted, or should be changed, the commission may abrogate, change or modify the same. An order, decision or award made after such rehearing, abrogating, changing or modifying the original order, decision or award shall have the same force and effect as an original order, decision or award, but shall not affect any

right or the enforcement of any right arising from or by virtue of the original order, decision or award, unless so ordered by the commission. An application for a rehearing shall be deemed to have been denied by the commission unless it shall have been acted upon within thirty days from the date of filing; *provided, however*, that the commission may upon good cause being shown therefor, extend the time within which it may act upon such application for rehearing for not exceeding thirty days.

Application deemed denied.

SEC. 82. (a) At any time within twenty days after the service of any final order or decision of the commission awarding or denying compensation, or arising out of or incidental thereto, any party or parties aggrieved thereby may apply for such rehearing upon one or more of the following grounds and upon no other grounds:

Time and grounds for rehearing on award.

(1) That the commission acted without or in excess of its powers.

(2) That the order, decision or award was procured by fraud.

(3) That the evidence does not justify the finding of fact.

(4) That the applicant has discovered new evidence, material to him, and which he could not, with reasonable diligence have discovered and produced at the hearing.

(5) That the findings of fact do not support the order, decision or award.

(b) Nothing contained in this section shall, however, be construed to limit the right of the commission, at any time within two hundred forty-five weeks from the date of its award, and from time to time, after due notice and upon the application of any party interested, to review, diminish or increase, within the limits provided by this act, any compensation awarded upon the grounds that the disability of the person in whose favor such award was made has either increased or diminished or terminated.

Not limitation on commission.

SEC. 83. (a) At any time within twenty days after the service of any other final order, decision, rule or regulation made by the commission under the provisions of this act, any party or parties, person or persons aggrieved thereby or otherwise affected, directly or indirectly, may apply for such rehearing upon one or more of the following grounds and upon no other grounds:

Time and grounds for rehearing on other order, etc.

(1) That the commission acted without or in excess of its powers.

(2) That the order or decision was procured by fraud.

(3) That the order, decision, rule or regulation is unreasonable.

(b) Nothing contained in this section shall be construed to limit the right of the commission, at any time and from time to time, to adopt new or different rules or regulations or new or different standards of safety, or to abrogate, change or modify any existing rule, regulation, or standard, or any part

No limitation on commission.

thereof, or to deprive the commission of continuing jurisdiction over the same or to prevent the enforcement in the manner provided by this act, of any rules, regulations or standard of the commission, or any part thereof, when so adopted, or changed, or modified.

Appeal to
supreme
court.

SEC. 84. (a) Within thirty days after the application for a rehearing is denied, or, if the application is granted, within thirty days after the rendition of the decision on the rehearing, any party affected thereby may apply to the supreme court of this state or to the district court of appeal of the appellate district in which such person resides, for a writ of certiorari or review (hereinafter referred to as a writ of review) for the purpose of having the lawfulness of the original order, decision or award or the order, decision or award on rehearing inquired into and determined.

Return of
writ.

(b) Such writ shall be made returnable not later than thirty days after the date of the issuance thereof, and shall direct the commission to certify its record in the case to the court. On the return day the cause shall be heard in the court unless for good cause the same be continued. No new or additional evidence may be introduced in such court but the cause shall be heard on the record to the commission as certified to by it. The review shall not be extended further than to determine whether or not:

- (1) The commission acted without or in excess of its powers.
- (2) The order, decision or award was procured by fraud.
- (3) The order, decision, rule or regulation is unreasonable.
- (4) If findings of fact are made, whether or not such findings of fact support the order, decision or award under review.

Findings
of fact
conclusive.

(c) The findings and conclusions of the commission on questions of fact shall be conclusive and final and shall not be subject to review; such questions of fact shall include ultimate facts and the findings and conclusions of the commission. The commission and each party to the action or proceeding before the commission shall have the right to appear in the review proceeding. Upon the hearing the court shall enter judgment either affirming, modifying or setting aside the order, decision or award.

C. C. P.
inapplicable.

(d) The provisions of the Code of Civil Procedure of this state relating to writs of review shall, so far as applicable and not in conflict with this act, apply to proceedings in the courts under the provisions of this section. No court of this state (except the supreme court and the district courts of appeal to the extent herein specified) shall have jurisdiction to review, reverse, correct or annul any order, decision or award of the commission or to suspend or delay the operation or execution thereof, or to restrain, enjoin or interfere with the commission in the performance of its duties; *provided*, that a writ of mandamus shall lie from the supreme court or the district courts of appeal in all proper cases.

SEC. 85. (a) The filing of an application for a rehearing shall have the effect of suspending the order, decision, award, rule or regulation affected, in so far as the same applies to the parties to such application, unless otherwise ordered by the commission, for a period of ten days, and the commission may, in its discretion and upon such terms and conditions as it may by order direct, stay, suspend or postpone the same during the pendency of such rehearing.

Suspension of order during rehearing.

(b) The filing of an application for, or the pendency of, a writ of review, shall not of itself stay or suspend the operation of the order, decision, award, rule or regulation of the commission subject to review, but the court before which such application is filed may, in its discretion, stay or suspend in whole or in part the operation of the order, decision, award, rule or regulation of the commission subject to review upon such terms and conditions as it may by order direct.

Court may stay order.

SEC. 86. (a) Whenever this act, or any part or section thereof, is interpreted by a court, it shall be liberally construed by such court.

Act liberally construed.

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

If section be declared unconstitutional.

(c) This act shall not be construed to apply to employers or employments which, according to law, are so engaged in interstate commerce as not to be subject to the legislative power of the state or to employees injured while they are so engaged, except in so far as this act may be permitted to apply under the provisions of the constitution of the United States or the acts of congress.

Not applicable to interstate commerce.

SEC. 87. (a) Any employer, having in his employment any employee not included within the term "employee" as defined by section fourteen of this act or not entitled to compensation under this act, and any such employee, may, by their joint election, elect to come under the compensation provisions of this act in the manner hereinafter provided.

Election to come under act.

(b) Such election on the part of the employer shall be made by filing with the commission a written statement to the effect that he accepts the compensation provisions of this act, which, when filed, shall operate, within the meaning of section twelve of this act, to subject him to the compensation provisions of this act, and of all acts amendatory thereof, for the term of one year from the date of filing, and thereafter without further act on his part, for successive terms of one year each, unless such employer shall, at least sixty days prior to the expiration of such first or any succeeding year, file in the office of the commission a notice in writing that he withdraws his election.

Notice by employer.

Such acceptance shall not be held to include employees whose employment is both casual and not in the usual course of the trade, business, profession or occupation of the employer, unless expressly mentioned therein.

When em-
ployee is
deemed
subject to
compensa-
tion pro-
visions.

(c) Any employee in the service of any such employer, shall be deemed to have accepted, and shall, within the meaning of section twelve of this act, be subject to the compensation provisions of this act, and of any act amendatory thereof, if, at the time of the accident for which liability is claimed:

(1) The employer charged with such liability is subject to the compensation provisions of this act, whether the employee has actual notice thereof or not; and

(2) Such employee shall not, at the time of entering into his contract of hire, have given to his employer notice in writing that he elects not to be subject to the compensation provisions of this act; or, in the event that such contract of hire was made in advance of the election by the employer, such employee shall have given to his employer notice in writing that he elects to be subject to such provisions, or without giving either of such notices, shall have remained in the service of such employer for thirty days after the employer has filed his election.

Annual
report to
governor.

SEC. 88. The commission shall, not later than the first day of December of each calendar year, subsequent to the year 1913, make a report to the governor of the state covering its entire operations and proceedings for the previous fiscal year, with such suggestions or recommendations as it may deem of value for public information. Such report shall be printed and a copy thereof furnished to all applicants within this state.

Appro-
priation.

SEC. 89. The sum of one hundred eighty-seven thousand four hundred seventy dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be used by the industrial accident commission in carrying out the purposes of this act, and the controller is hereby directed to draw his warrant on the general fund from time to time in favor of said industrial accident commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

SEC. 90. All acts or parts of acts inconsistent with this act are hereby repealed.

Prior
injury.

SEC. 91. The compensation provisions of this act shall not apply to any injury sustained prior to the taking effect thereof.

In effect.

SEC. 92. This act shall take effect and be in force on and after the first day of January, A. D. 1914.

CHAPTER 177.

An act providing for the organization and management of mutual workmen's compensation insurance companies and defining the same and regulating the transaction of the business of mutual workmen's compensation insurance in the State of California.

[Approved May 26, 1913. In effect August 10, 1913.]

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

SECTION 1. The term "compensation" as used in this act shall mean and include any liability imposed upon any or all employers of labor to compensate their employees and the dependents of such employees for any injury sustained by the said employees by accident arising out of and in the course of their employment irrespective of the fault of either party. The term "employer" as used in this act shall be construed to mean: Every person, firm, voluntary association and private corporation, (including any public service corporation) who has any person in service under any appointment or contract of hire or apprenticeship, express or implied, oral or written, and the legal representatives of any deceased employer. The term "employee" as used in this act shall be construed to mean: Every person in the service of an employer as defined by this act under any appointment or contract of hire or apprenticeship, express or implied, oral or written, including aliens and also including minors.

SEC. 2 (a) Mutual associations of any number of employers, not less than five, may, subject to the approval of the insurance commissioner, be formed by incorporating under the laws of this state, for the purpose of insuring their members against liability for compensation and insuring to the employees of such members the payment of such compensation.

(b) It shall be within the power of the insurance commissioner to limit the membership of any such mutual association to those employers engaged in the same general character of industry or to employers within a limited part of the state, whenever in his judgment such limitation shall be required for the protection of the members of such association or persons insured.

SEC. 3. Before the articles of incorporation shall be filed, a copy thereof shall be submitted for the approval of the insurance commissioner. Such articles shall set forth:

First—The names of the employers entering into such association, their places of residence, the nature of the business in which they are engaged and the number of persons employed by each.

Second—The name by which such association shall be known, which name shall include the word "mutual," and,

if the liability of members is limited, the words "limited mutual."

Third—The period for which such association is incorporated, which shall not exceed fifty years.

Fourth—The number of directors, which shall not be less than five (5) nor more than eleven (11), and the names and residences of the directors for the first year.

Fifth—The location of the principal place of business, which shall be in this state.

Such articles must be executed, acknowledged, and filed as provided by law for the formation of other corporations.

By-laws.

SEC. 4. The members of any company organized under this act shall have power to make such by-laws, not inconsistent with the constitution and laws of this state, as may be deemed necessary for the government of its officers and members, for the admission of new members, for the assessment and collection of premiums and assessments and in general for the proper conduct of its affairs. Such by-laws shall not be effective until a copy thereof has been filed with the insurance commissioner and approved by him.

Em-
ployer's
liability.

SEC. 5. Every employer accepting a policy in any company organized under this act shall thereby become a member of such company and shall become liable for his proportionate share of losses and operating expenses as hereinafter provided.

When
policies
may be
issued.

SEC. 6. No policy shall be issued by any company organized under this act until subscriptions for insurance have been received from at least one hundred employers having an annual pay roll of at least \$500,000.00 or having in their employment at least one thousand employees, nor until an amount in cash shall be in hand over and above all liabilities other than the unearned premium reserve of not less than fifteen thousand dollars and in any event not less than one full annual premium upon each risk. If at any time the number of employers insured shall fall below one hundred or if the annual pay roll of said employers shall fall below \$500,000.00 and the number of their said employees shall fall below one thousand then no further policies shall be issued until subscriptions have been received sufficient to comply with the requirements of this section.

Premiums

SEC. 7. No single risk shall be insured by any company organized under this act upon which the premium charged is more than two per cent of the premiums charged upon all the policies that the company has in force.

Estab-
lished rate

SEC. 8. After a compensation insurance rate shall have been established by the state workmen's compensation insurance rating bureau no mutual company organized under this act shall charge a lesser rate upon any risk than the gross bureau rates applicable thereto.

Members'
liability
for excess
loss.

SEC. 9. Every company organized under this act shall in its by-laws and policies fix the contingent mutual liability of its members for the payment of losses in excess of its available cash funds; but such contingent liability shall not be less than

an amount equal to one annual premium in addition to the annual premium charged.

SEC. 10. Every company organized under this act shall be subject to all the general provisions of the law relative to other insurance companies and also to the general provisions of law applicable to all other corporations in so far as such provisions are not inconsistent or in conflict with the provisions of this act. Companies subject to law

SEC. 11. If any company organized under this act is not possessed of cash funds above its unearned premium reserve and claims reserve and other liabilities sufficient for the payment of incurred losses and expenses it shall make an assessment for the amount needed to pay such losses and expenses upon its members liable to assessment therefor in proportion to their several liabilities. The company shall cause to be recorded in a book kept for that purpose the order for such assessment and the amount of the assessment called for, together with a statement setting forth the condition of the company at the date of the order, the amount of its cash assets and contingent funds. Such record shall be made and signed by the directors or other persons who voted for the order and approved by the insurance commissioner before any part of the assessment is collected and any person liable to assessment may inspect and take a copy of the same. Assessment to pay losses.

SEC. 12. The directors of every such mutual company shall each year set aside as a surplus an amount equal to at least twenty-five per cent of all available profits until such surplus shall be an amount not less than the amount of all premiums charged upon all insurance in force after deducting therefrom the amount of premiums charged for any risks which have been reinsured in other insurance carriers. After setting aside the amount of profits required to be set aside by this section as a surplus fund, the directors of every such mutual association, at such times as their by-laws provide, must make, declare and pay to their members dividends of so much of the additional available profits accrued from the business of the association and interest on moneys invested as to them appears advisable; *provided, however*, that no such dividend shall be declared or paid unless there is then on hand a surplus of not less than \$15,000 and equal to at least twenty-five per cent of all premiums charged upon all insurance in force after deducting therefrom the amount of premiums charged for any risks which may have been reinsured in other insurance carriers. Surplus fund.

SEC. 13. No assessment shall be levied and no dividend shall be declared until such assessment or such dividend has been approved by the insurance commissioner. Dividends.

SEC. 14. The funds of any company organized under this act shall be invested in the manner allowed for the investment of the funds of other insurance companies. Approval of insurance commissioner

SEC. 15. The expenses for any calendar year of any company organized under this act, including commissions and fees Investment of funds.

Limitation of expenses.

to agents and officers, but not including expenses incurred for the prevention of injuries, shall be limited to thirty per cent of the gross premiums actually received during that year. A violation of this provision shall render the officers and directors and all persons having similar powers jointly and severally liable to such company for any amount used for expenses in excess of the amount provided for in this section. In the event that such company fails or refuses to recover such moneys so paid the insurance commissioner may sue for and recover the same from any one or all of the officers or directors and all persons having similar powers of such company for the benefit of its members. No officer or other person, whose duty it is to determine the character of the risks, and to decide what applications shall be accepted and what applications shall be rejected by such company, shall receive as any part of his compensation a commission upon the premiums, but his compensation shall be a fixed salary and such share of the net profits as the directors or trustees may determine.

When insolvent.

SEC. 16. Whenever the liabilities of any company organized under this act for losses reported, expenses, taxes, unearned premium reserve and claims reserve are greater than its admitted cash assets then such company is insolvent.

Annual statement.

SEC. 17. Every company organized under this act shall file with the insurance commissioner on or before the first day of March of each year, its financial statement exhibiting its condition on the thirty-first day of December next preceding. Such statement shall be made as provided for in the blanks furnished by the insurance department.

Rules for prevention of injury.

SEC. 18. The directors of any company organized under this act shall make and enforce reasonable rules and regulations for the prevention of injuries on the premises of members and for this purpose the inspectors of the company shall have free access to all such premises during regular working hours. Any employer or employee aggrieved by any such rule or regulation may petition the industrial accident commission for a review, and it may affirm, amend or annul the rule or regulation.

Wages accounts.

SEC. 19. Auditors, inspectors and other agents of the company shall have free access to the wages accounts and pay rolls of members for the purpose of verifying pay rolls.

Notice of withdrawal.

SEC. 20. Any member of any company organized under this act may withdraw at any time by giving thirty days written notice of his intention to withdraw and surrendering his policy; *provided, however,* that he shall discharge all his obligations to the company at the time of his withdrawal. The termination of such insurance shall not act to release the member withdrawing from liability for the payment of his assigned share of all assessments then or thereafter made to make up deficiencies due to accidents happening while he was insured in such company. The premium for such surrendered policy shall be returned to the member withdrawing less the customary short term premium for a time during which the policy was in force. The company shall have power to cancel

or determine any policy by giving the insured five days' written notice to that effect and returning to the insured his pro rata part of the premium.

SEC. 21. Any company organized under this act shall have power to amend its articles of association and by-laws at its regular annual meeting or at special meetings called and held as provided in its by-laws, but said amendments shall, before they become operative, be approved and filed in the same manner as the original articles and by-laws. Amendment of by-laws.

SEC. 22. Any company organized under this act shall have power to own, hold and acquire such real and personal property as shall be necessary for the transaction of its business. May own property.

SEC. 23. Any company organized under this act may sue and be sued in any court of law or equity, with the same rights and obligations as a natural person, and in addition to the powers hereinbefore enumerated, shall possess and exercise all such rights and powers as are necessarily incidental to the exercise of the powers expressly granted herein. May sue.

SEC. 24. This act shall not apply to contracts made between persons, firms or corporations of this state, and others of this state and other states for the protection of their own property under the plan known as reciprocal insurance or interinsurance, nor to unincorporated inter-indemnity compacts. Not applicable to contracts.

CHAPTER 178.

An act appropriating moneys in the "accident prevention fund" for the purpose of enforcing and promoting safety in employment and places of employment.

[Approved May 26, 1913. In effect August 10, 1913.]

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

SECTION 1. All moneys which are paid into the state treasury for the credit of the "accident prevention fund" are hereby appropriated to be used by the industrial accident commission for the enforcement of the laws relative to safety in employment and places of employment and for the promotion of such safety, and the controller is hereby directed to draw his warrants on said fund, from time to time, in favor of the industrial accident commission for the amounts expended under its direction for such purposes, and the treasurer is hereby authorized and directed to pay the same. "Accident prevention fund" for enforcing laws.

CHAPTER 179.

An act creating an "industrial accident fund" and appropriating moneys therein.

[Approved May 26, 1913. In effect August 10, 1913.]

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

"Industrial
accident
fund"
created.

SECTION 1. There is hereby created and established a fund to be known as the "industrial accident fund" into which shall be paid all fees collected by the industrial accident commission and all moneys received by it for transcripts of testimony, certified copies of records and all other moneys received by it and not otherwise provided for, which said fund shall be a revolving fund.

SEC. 2. All moneys which are paid into the state treasury for the credit of said fund are hereby appropriated to be used by the industrial accident commission for its contingent expenses, and the controller is hereby directed to draw his warrants on said fund, from time to time, in favor of said commission for the amounts expended under its direction for such purposes, and the treasurer is hereby authorized and directed to pay the same.

CHAPTER 180.

An act appropriating moneys to the use of the state compensation insurance fund.

[Approved May 26, 1913. In effect August 10, 1913.]

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

Appropriation:
compensation insurance
fund.

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be credited to the "state compensation insurance fund" and to be used by the industrial accident commission in the manner authorized by law for the use of said fund.

SEC. 2. The state controller and the state treasurer are hereby authorized and directed to transfer said sum of one hundred thousand dollars from the general fund of the state to the "state compensation insurance fund."

CHAPTER 181.

An act to amend section ten of an act entitled "An act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing and selling of county bonds, and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907, and amended March 6, 1909.

[Approved May 26, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 10 of an act entitled "An act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing and selling of county bonds, and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907, and amended March 6, 1909, is hereby amended to read as follows:

SEC. 10. All improvements constructed under this act shall be of a durable and lasting character; *provided*, that said commission shall have the power to determine how said highways shall be improved and constructed, and the character of the materials to be used in the improvements and construction thereof. If said commission shall determine that said highways, or any of them, shall be macadamized or paved, then the macadamized or paved portion of the roadbed constructed or any highway or portion thereof improved under this act shall not exceed sixteen feet in width, unless donations are made to the highway commission for that purpose, in which case such donations shall be used to defray the increased cost of constructing such macadamized or paved roadbed more than sixteen feet wide on any part of such highway specified by the donors, but no part of the proceeds of any bond issue shall be expended for such purpose, except to build shoulders or marginal protections to said highways where the same are macadamized or paved, and which shoulders or marginal protections thereto shall not exceed two feet in width on each side of said macadamized or paved highway. No railroad, electric railroad, or street railroad shall be constructed along or upon such highway, or any portion thereof, improved under the provisions of this act, except for crossings duly authorized by the board of supervisors or other legislative body having control thereof;

Highway
commission
to
decide
character
of im-
provements.

Railroad
franchises.

nor shall any board of supervisors or other legislative body have power to grant any franchise for the construction of any railroad, electric railroad or street railroad along or upon any such highway or portion thereof, except for crossing; *provided*, that when any such highway or portion thereof shall, after the improvement of the same under the provisions of this act, be included within the boundaries of any incorporated city, city and county or town the foregoing provisions of this section shall not prohibit the granting of any such franchise by the proper municipal authorities along, upon or across any such highway, or portion thereof so included, within the boundaries of any such incorporated city, city and county, or town. Any such franchise shall be granted only upon the express condition that the grantee thereof will pay to the county for the benefit of the general fund thereof an amount equal to the cost of the improvement or construction of such portion of the roadbed or highway constructed or improved under the provisions of this act as shall be occupied by the track or tracks of such railroad, electric road or street railroad.

CHAPTER 182.

An act regulating the sanitation and ventilation in and at camps where five or more persons are employed; and providing a penalty for the violation thereof.

[Approved May 29, 1913. In effect August 10, 1913.]

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

Camps to
be kept
clean.

SECTION 1. In or at any camp where five or more persons are employed, the bunkhouses, tents and other sleeping places of such employees shall be kept in a cleanly state, and free from vermin and matter of an infectious and contagious nature, and the grounds around such bunkhouses, tents or other sleeping places shall be kept clean and free from accumulations of dirt, filth, garbage and other deleterious matter.

Air space.

SEC. 2. Every bunkhouse, tent or other sleeping place used for the purpose of a lodging or sleeping apartment in such camp, shall contain sufficient air space to insure an adequate supply of fresh air for each person occupying such bunkhouse, tent or other sleeping place. The bunks or beds shall be made of iron, canvas or other sanitary material and shall be so constructed as to afford reasonable comfort to the persons occupying such bunks or beds.

Duty of
employer.

SEC. 3. It shall be the duty of any person, firm, corporation, agent or officer of a firm or corporation employing persons to work in or at such camps and the superintendent or overseer in charge of the work in or at such camp to carry out the provisions of sections one and two of this act.

Power of
state
board of
health.

SEC. 4. The state board of health shall have the right and

power to condemn any camp coming under the provision of this act as dangerous to the public health.

SEC. 5. Any person, firm, corporation, agent or officer of a firm or corporation, or any superintendent or overseer in charge of the work in or at any camp coming under the provisions of this act, who shall violate or fail to comply with the provisions of this act is guilty of a misdemeanor, and shall upon conviction thereof, be punished by a fine of not more than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment. Penalty.

SEC. 6. It shall be the duty of the state board of health to enforce the provisions of this act.

CHAPTER 183.

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

[Approved May 20, 1913. In effect August 10, 1913.]

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

SECTION 1. In all cases where the legislative branch of any municipality in the State of California organized under an act of the legislature of said state, entitled: "An act to provide for the organization, incorporation and government of municipal corporations," approved the 13th day of March, 1883, has deemed it necessary to incur an indebtedness in excess of the money in the treasury applicable to the purpose for which such indebtedness is to be incurred and has called a special election of the qualified electors of such municipality to determine whether such indebtedness as specified in the resolution or ordinance calling such election, shall be incurred and where at such election not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, and such legislative branch of such municipality shall have passed an ordinance providing for the mode of creating such indebtedness, and of paying the same, and the mode of creating such indebtedness has been by the proposed issuance of the bonds of such municipality, all the proceedings of such municipality leading up to and including the issuance and the proposed issuance of such bonds are hereby legalized, ratified, confirmed and declared valid to all intents and purposes. And all such bonds sold either before or after the passage of this act for not less than their par value are hereby legalized and declared to be legal and valid obligations of and against such municipality so issuing and selling the same; and the faith and credit of such municipality is hereby pledged for the prompt payment and redemption of the principal and Municipal bond issues legalized.

interest of such bonds; *provided*, that this act shall not operate to legalize any bonds of any municipality that have not at the time of the passage of this act been authorized by the votes of not less than two thirds of the qualified electors of such municipality, voting at any such election, or any bonds which have been sold for less than their par value.

CHAPTER 184.

An act to amend "An act to amend an act entitled 'An act to amend an act entitled 'An act to provide for the burial of ex-union soldiers, sailors and marines in this state who may hereafter die without leaving sufficient means to defray burial expenses,' approved March 15, 1889, and to extend the operation of said act to all honorably discharged soldiers, sailors and marines who served in the army and navy of the United States,' approved March 23, 1901, by extending the operation of said act to widows of all such honorably discharged soldiers, sailors and marines who served in the army or navy of the United States,'" approved March 24, 1911, by amending section four thereof.

[Approved May 28, 1913. In effect August 10, 1913]

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

SECTION 1. Section four of an act entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to provide for the burial of ex-union soldiers, sailors and marines in this state who may hereafter die without leaving sufficient means to defray burial expenses,' approved March 15, 1889, and to extend the operation of said act to all honorably discharged soldiers, sailors and marines who served in the army and navy of the United States,' approved March 23, 1901, by extending the operation of said act to widows of all such honorably discharged soldiers, sailors and marines who served in the army or navy of the United States,'" approved March 24, 1911, is hereby amended to read as follows:

Section 4. It shall be the duty of the clerk of the board of supervisors, upon receiving the report and statement of expenses provided for in this act, to transcribe in a book kept for that purpose, all the facts contained in such report respecting such deceased soldier, sailor, or marine, or the widow of such soldier, sailor or marine. It shall also be the duty of said clerk, upon the death and burial of any such soldier, sailor or marine, to make application to the proper authorities under the government of the United States, for a suitable headstone, as provided by act of congress, and to cause the same to be placed at the head of such soldier, sailor, or marine's grave, the expenses of which shall not exceed the sum of five dollars for cartage and properly setting each stone, and it shall be the duty of the board

Record of
deceased
soldiers.

Head-
stones.

of supervisors to perpetually thereafter suitably and properly maintain each of said graves. The expenses thus incurred shall be audited and paid as provided in section two of this act for burial expenses.

CHAPTER 185.

An act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes.

[Approved May 29, 1913 In effect August 10, 1913]

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

SECTION 1. Whenever, in its discretion, the board of supervisors of any county determines that it is necessary that a public building for county purposes be erected by such county in any incorporated city or town in such county, and whenever in its discretion the city council, city commission, board of city trustees or other legislative body of such incorporated city or town determines that it is necessary that a public building be erected by and in such incorporated city or town for municipal purposes, such county and such incorporated city or town may join and each is hereby given the right to join, in the construction, erection and ownership of a public building for such county and municipal purposes in such incorporated city or town.

Counties may join with cities in erecting public buildings.

SEC. 2. Said public building shall be erected on such terms and conditions as shall be agreed upon by said board of supervisors of such county and said city council, city commissioner, board of city trustees or other legislative body of such incorporated city or town and shall be owned and used jointly by such county and such incorporated city or town for county and municipal purposes; *provided*, that in no event shall the county contribute, or become liable for more than one half of the cost of construction and maintenance of such joint public building.

County, not to contribute more than half cost.

CHAPTER 186.

An act regulating the hours of employment in underground mines, underground workings, whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or in smelting and reduction works.

[Approved May 30, 1913. In effect August 10, 1913.]

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

SECTION 1. That the period of employment for all persons who are employed or engaged in work in underground mines in search of minerals, whether base or precious, or who are

Eight-hour day for underground workers.

engaged in such underground mines for other purposes, or who are employed or engaged in any other underground workings whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or who are employed in smelters and other institutions for the reduction or refining of ores or metals, shall not exceed eight hours within any twenty-four hours, and the hours of employment in such employment or work day shall be consecutive, excluding, however, any intermission of time for lunch or meals; *provided*, that, in case of emergency where life or property is in imminent danger, the period may be a longer time during the continuance of the exigency or emergency.

Penalty.

SEC. 2. Any person who shall violate any provision of this act, and any person who as foreman, manager, director or officer of a corporation, or as the employer or superior officer of any person, shall command, persuade or allow any person to violate any provision of this act, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00), or by imprisonment of not more than three months. And the court shall have discretion to impose both fine and imprisonment as herein provided.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 187.

An act to amend section three hundred thirty-nine of the Code of Civil Procedure, relating to the time of commencing certain actions.

[Approved May 30, 1913. In effect August 10, 1913.]

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

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

339. Within two years:

Actions
commenced
within
two years.

1. An action upon a contract, obligation or liability not founded upon an instrument of writing, other than that mentioned in subdivision two of section three hundred thirty-seven of this code; or an action founded upon an instrument or writing executed out of the state; or an action founded upon a contract, obligation or liability, evidenced by a certificate, or abstract or guarantee of title of real property, or by a policy of title insurance; *provided*, that the cause of action upon a contract, obligation or liability evidenced by a certificate, or abstract or guarantee of title of real property, or policy of title insurance shall not be deemed to have accrued until the discovery of the loss or damage suffered by the aggrieved party thereunder.

2. An action against a sheriff, coroner, or constable upon a

liability incurred by the doing of an act in his official capacity and in virtue of his office, or by the omission of an official duty, including the non-payment of money collected upon an execution. But this subdivision does not apply to an action for an escape.

CHAPTER 188.

An act to add a new section to the Code of Civil Procedure to be numbered one thousand three hundred ten, relating to the probate of wills detained beyond the jurisdiction of the state.

[Approved May 30, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered one thousand three hundred ten to read as follows:

1310. If it is alleged in any petition that any will of any person who at the time of his death was a resident of this state is detained beyond the jurisdiction of the state, in a court of any other state or foreign country, and that such will cannot be produced for probate in this state, and the court is satisfied that the allegations are true, a copy of the will duly authenticated may be proved, allowed and admitted to probate in this state in lieu of the original will, and have the same force and effect as the original will. The same proof shall be required in order to admit the will to probate in this state as would be required under the provisions of this title if the original will were produced. The court may authorize a photographic copy of the will to be presented to the subscribing witness upon his examination in court, or by deposition as provided in section thirteen hundred and eight, and such witness may be asked the same questions with respect to it and the handwriting of himself, the testator, and the other witness, as would be pertinent and competent if the original will were present.

Probate of will detained outside state.

Photographic copy.

CHAPTER 189.

An act to amend section eleven hundred ninety-one of the Code of Civil Procedure, relating to liens upon lots for improvements made thereon.

[Approved May 30, 1913. In effect August 10, 1913.]

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

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

1191. Any person who, at the request of the owner of any lot or tract of land, grades, fills in, or otherwise improves the same, or the street, highway, or sidewalk in

Lien on lots for improvements.

front of or adjoining the same, or constructs any areas, or vaults, or cellars, or rooms, under said sidewalks, or makes any improvements in connection therewith, has a lien upon said lot or tract of land for his work done and materials furnished; *provided*, that in cases where the improvement made or work done is subject to acceptance by any municipal board or officer, the time for filing claims of lien shall not commence to run until after such acceptance shall have been made.

CHAPTER 190.

An act to amend section 67a of the Code of Civil Procedure, relating to the number of superior court judges and providing for the appointment of six additional superior court judges in counties of the first class and providing for their compensation.

[Approved May 30, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 67a of the Code of Civil Procedure is hereby amended to read as follows:

Judges in
counties
of first
class.

67a. In counties of the first class there shall be eighteen judges of the superior court, any one or more of whom may hold court, and there may be as many sessions of said court at the same time as there are judges thereof. The said judges shall choose from their own number a presiding judge, who may at any time be removed as presiding judge and another judge chosen in his place by a vote of any twelve of them. The presiding judge shall distribute the business of the court among the judges thereof, and prescribe the order of business and perform such other duties as the judges of the said court may by rule provide. The judgments, orders and proceedings of any session of the superior court held by any one or more of the judges of said court shall be equally as effective as if all the said judges of said court presided at such session.

Appoint-
ment of
six ad-
ditional.

Within thirty days after this act goes into effect, the governor shall appoint six additional judges of the superior court in counties of the first class in addition to the twelve superior court judges already provided by law in and for the said counties of the first class who shall hold office until the first Monday after the first day of January, 1915. At the next general election to be held in November, A. D. 1914, six additional judges of the superior court shall be elected in counties of the first class, who shall be successors of the judges appointed hereunder, to hold office for the term prescribed by the constitution and by law. The salaries of said additional judges shall be the same in amount and be paid in the same manner and at the same time as the salaries of the other judges of the said counties of the first class now authorized by law.

CHAPTER 191.

An act to amend section twelve hundred eighteen of the Civil Code, relating to the recording of copies of the record of instruments affecting titles to real property and the effect of such recording.

[Approved May 30, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1218 of the Civil Code is hereby amended to read as follows:

1218. A certified copy of an instrument affecting the title to real property, once recorded, or a certified copy of the record of such instrument may be recorded in any other county, and, when so recorded, the record thereof has the same force and effect as though it was of the original instrument.

Recording of copies of instruments affecting title to real property.

CHAPTER 192.

An act to amend section 16 of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, amended, approved April 21, 1911.

[Approved May 31, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 16 of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, amended, approved, April 21, 1911, is hereby amended so as to read as follows:

16. When any deposit with a bank shall be made by or in the name of any married woman or minor, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all other persons, except creditors, and shall be paid, together with the dividends, if any, and interest, if any, thereon to the person in whose name deposits shall have been made, and the receipt or acquittance of such minor shall be a valid and sufficient release and discharge for such deposit, or any part thereof, to the bank. When any deposit with a bank shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to such bank, in the event of the death of the trustee, the same or any part thereof, together with the dividends or interest, if any, thereon, may be paid to the person for whom the deposit was made. When a deposit with a bank shall be made by any person in the names of such depositor and another person or persons, and in form to be paid to either or the survivor or survivors of them, such deposit thereupon,

Bank deposits of married women and minors.

Deposits in trust.

and any additions thereto made by either of such persons upon the making thereof, shall become the property of such person as joint tenants, and the same, together with all interest thereon, shall be held for the exclusive use of the persons so named, and may be paid to either during the lifetime of all or any or to the survivor or survivors after the death of one or more of them, and such payments and the receipt or acquittance of the one to whom such payment is made shall be valid and sufficient release and discharge to said bank for all payments made on account of such deposit. The surviving husband or wife or the guardian of the estate of any insane or incompetent husband or wife of any deceased person, or, if no husband or wife is living, then the children or the guardian of the estates of any minor or insane or incompetent children of said decedent, or, if no children are living, then the father or mother or guardian of the estate of any insane or incompetent father or mother of such decedent, and if neither the father or mother is living, then the brothers and sisters or the guardian of the estates of any minor or insane or incompetent brothers and sisters of such decedent, may, without procuring letters of administration, collect of any bank any sum which said deceased may have left on deposit in such bank at the time of his or her death; *provided*, such deposit shall not exceed the sum of five hundred dollars. Any bank, upon receiving an affidavit stating that said depositor is dead, and that affiant is the surviving husband or wife or the guardian of the estate of an insane or incompetent surviving husband or wife, as the case may be, of said decedent, or stating that decedent left no husband or wife, and that affiant is, or affiants are, the children, or the guardians of the estates of the minor, insane or incompetent children, as the case may be, of said decedent, or stating that decedent left neither husband, wife nor children, and that affiant is the father or mother, or the guardian of the estate of the insane or incompetent father or mother, as the case may be, of said decedent, or stating that the decedent left neither husband, wife, children, father nor mother, and that affiants are the brothers and sisters or the guardians of the estates of the minor, insane or incompetent brothers and sisters, as the case may be, of said decedent, and that the whole amount that decedent left on deposit in any and all banks of deposit of this state, does not exceed the sum of five hundred dollars, may pay to said affiant or affiants, any deposit of said decedent, if the same does not exceed the sum of five hundred dollars, and the receipt of such affiant is sufficient acquittance therefor; *provided, however*, that whenever the affidavit herein mentioned is made by any guardian it shall be accompanied by a certified copy of the letters of guardianship issued to such guardian attached to a certificate of the clerk of the court having appointed such guardian to the effect that the said letters of guardianship have not been revoked.

Withdrawal
of deposits
of deceased
persons.

Not over
five
hundred
dollars.

CHAPTER 193.

An act to add a new section to the Penal Code of the State of California to be numbered section six hundred and thirty-four and one half, relating to the protection of fish.

[Approved May 30, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California to be numbered section six hundred and thirty-four and one half and to read as follows:

634½. Every person who takes, catches, or kills any fish except with hook and line in the manner commonly known as angling within three miles of shore line of Santa Catalina island, is guilty of a misdemeanor. Every person found guilty of any of the provisions of this section must be fined not less than twenty dollars nor more than five hundred dollars, or be imprisoned in the county jail of the county in which the conviction shall be had, not less than ten days nor more than one hundred and fifty days, or be punished by both such fine and imprisonment; and all fines or forfeitures imposed and collected for any violation of any of the provisions of this section must be paid into the state treasury to the credit of the fish and game preservation fund. Nothing in this section prohibits the United States fish commission and the fish and game commission of this state from taking at all times such fish and in such manner as they deem necessary for purposes of propagation or for scientific purposes.

Fishing
near
Santa
Catalina
limited to
hook and
line.

CHAPTER 194.

An act creating a reclamation district to be known as reclamation district No. 10, prescribing its boundaries and providing for the management and control thereof; dissolving Protection District No. 10, of Yuba county, California, and providing for the disposition of the indebtedness, rights, rights of way, levees and other works of reclamation of said protection district.

[Approved May 26, 1913. In effect August 10, 1913.]

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

SECTION 1. A reclamation district is hereby created to be called reclamation district No. 10, and the boundaries of said reclamation district shall be as follows: beginning on the western line of the embankment of the Western Pacific Railroad at a point where the levee of Protection District No. 10 of Yuba county, California, joins said embankment, said point of beginning being 71 feet east of a point on the levee of Protection

Reclama-
tion Dis-
trict
No. 10
created.

District No. 10, from which point the quarter section corner between sections 30 and 31, township 17 north, range 4 east, Mount Diablo meridian, bears south 24 degrees 30 minutes east, distant 2363 feet, thence northerly to the outer or northern toe of the levee of said Protection District No. 10 where the same joins the embankment of said railroad; thence westerly and southerly following the outer toe of said levee, and following the meanders thereof, and of all other embankments forming a part of said levee to a point where said levee connects with the embankment of the Southern Pacific Railroad; thence easterly along said railroad embankment to a point where the outer toe of the southeasterly levee of said Protection District No. 10 connects with said railroad embankment; thence north-easterly along the outer toe of said levee to a point where the same connects with the embankment of the Western Pacific Railroad; thence northerly along the westerly side of the embankment of said railroad to the point of beginning.

Management.

SEC. 2. The management and control of said reclamation district is hereby made subject to the provisions of the Political Code of the State of California and other laws of this state, relative to reclamation districts formed under the provisions of said Political Code.

Protection District No. 10 dissolved.

SEC. 3. Protection District No. 10 of Yuba county, California, is hereby dissolved, excepting that said protection district shall continue to exist solely for the purpose of discharging any indebtedness thereof, that may be outstanding, and for the purpose of discharging such indebtedness said protection district shall continue to exercise all of the powers heretofore belonging to it. All of the rights, rights of way, levees and other works of reclamation of said Protection District No. 10, are hereby vested in the reclamation district hereby created.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 195.

An act creating a reclamation district to be called and known as "Reclamation District No. 1600;" providing for the management and control thereof and dissolving all reclamation districts lying wholly within the boundaries of said reclamation district No. 1600, and providing for the liquidation and winding up of said dissolved districts, and excluding from any reclamation district any land lying within the boundaries of said reclamation district No. 1600.

[Approved May 26, 1913. In effect August 10, 1913.]

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

Reclamation district No. 1600 created.

SECTION 1. A reclamation district is hereby created to be called and known as "Reclamation District No. 1600," and the boundaries of said reclamation district shall be as follows:

Beginning at a point where the section line between sections twenty-seven (27) and twenty-eight (28), township eleven (11) north, range three (3) east, M. D. B. and M., intersects the right or southerly bank of the Sacramento river, and running thence south along the west section line of sections twenty-seven (27) and thirty-four (34) of township eleven (11) north, range three (3) east, M. D. B. and M., and sections three (3) and ten (10) and section fifteen (15) of township ten (10) north, range three (3) east, M. D. B. and M., to the quarter-section corner on west line of section fifteen (15), township ten (10) north, range three (3) east, M. D. B. and M.; thence southwesterly to the junction of the Tule canal with the canal from Cache creek at or near the center of section twenty-one (21), township ten (10) north, range three (3) east; thence along the Tule canal to the northwest corner of reclamation district No. 827; thence along the north line of reclamation district No. 827 to the Sacramento river; thence northerly along the Sacramento river, and following the meanders thereof, to the point of beginning.

Sec. 2. The management and control of said reclamation district is hereby made subject to the provisions of the Political Code and other laws of the State of California relative to reclamation districts formed under the provisions of said Political Code. The management and control of said reclamation district No. 1600 shall be vested in three trustees. A. A. Merkle, A. M. Mull and Louis Caffaro are hereby appointed as trustees of the said reclamation district, to act until their successors are elected and qualified. An election of three trustees shall be held in said district on the third Tuesday in October, 1918, and on the same date every two years thereafter, and the term of office shall be two years, and until their successors are elected and qualified. In case of any vacancy in the office of trustee of said district, the board of supervisors of the county of Yolo shall appoint a qualified person as trustee, who shall hold said office for the date of said unexpired term. The office of said district shall be in the city of Woodland and in such place as the board of trustees thereof may from time to time fix. The board of supervisors of the county of Yolo shall have jurisdiction of all matters concerning said district to the same extent as if the said district was formed under the provisions of the said Political Code of the State of California. All funds of said district shall be deposited in the county treasury of said county of Yolo and shall be disbursed by the treasurer of said county in payment of the warrants of said district.

Sec. 3. All reclamation districts, wholly situated within the boundaries of said reclamation district, are hereby dissolved, except for the purpose of liquidation and the disposition of its property, and for this purpose only the existence of said districts are continued. Any land situated within the boundaries of reclamation district No. 1600 that is situated within any reclamation district is hereby excluded from any such reclama-

tion district, but such lands so excluded shall be liable for the just proportion of the indebtedness of such reclamation district, to be ascertained in accordance with the provisions of law. Each of the said reclamation districts that is dissolved by the provisions of this act shall pay all legal outstanding indebtedness that each may respectively owe, and may cause the assessments or taxes to be levied and collected therefor, as may be authorized by law.

CHAPTER 196.

An act for the promotion of the viticultural industries of the state; dividing the state into viticultural districts; appointing a state board of viticultural commissioners; providing for the selection of its officers; defining its powers and duties; and making an appropriation therefor.

[Approved May 28, 1913. In effect August 10, 1913.]

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

Viticultural
commissioners.

SECTION 1. There shall be appointed by the governor a state board of viticultural commissioners to consist of nine members, three to be appointed from the state at large, and one to be appointed from each of the six viticultural districts, which shall be designated and constituted as follows:

Six
districts.

First—The Sonoma district, which shall include the counties of Sonoma, Marin, Lake, Mendocino, Humboldt, Del Norte, Trinity, and Siskiyou.

Second—The Napa district, which shall include the counties of Napa, Solano and Contra Costa.

Third—The San Francisco district, which shall include the city and county of San Francisco, and the counties of San Mateo, Alameda, Santa Clara, Santa Cruz, San Benito, and Monterey.

Fourth—The Los Angeles district, which shall include the counties of Los Angeles, Riverside, Orange, Ventura, Santa Barbara, San Luis Obispo, San Bernardino, San Diego, and Imperial.

Fifth—The Sacramento district, which shall include the counties of Sacramento, Yolo, Sutter, Colusa, Butte, Tehama, Shasta, El Dorado, Amador, Calaveras, Tuolumne, Mariposa, Placer, Nevada, Yuba, Sierra, Plumas, Lassen, Modoc, Alpine, Mono, and Inyo.

Sixth—The San Joaquin district, which shall include the counties of San Joaquin, Stanislaus, Merced, Fresno, Kings, Tulare, and Kern.

Residence
and qualifications
of
commissioners.

SEC. 2. The nine commissioners, excepting the three appointed by the state at large, shall be residents of the district from which they are appointed, and shall be specially qualified by practical experience and study in connection with the

industries dependent upon the culture of the grapevine in this state. They shall each hold office for the term of four years, Term. excepting four, to be determined by lot, of the first nine appointed, who at the end of two years shall retire when their successors shall be appointed by the governor.

Sec. 3. The state board of viticultural commissioners shall Officers. elect from among their own number, a president, a vice-president, and a treasurer and they shall have a secretary, who shall not be one of their number, and whose salary shall not exceed two hundred dollars per month. And the board shall determine and fix the amount of bonds that shall be given by the treasurer and secretary for the faithful performance of their duties.

Sec. 4. It shall be the duty of the board to meet not less Meetings. often than semiannually to consult and to adopt such measures as may best promote the progress of the viticultural industries of the state. It shall be their duty to collect and disseminate Duties. useful information relating to viticulture, including the best methods of growing grapes and handling the grape and its products. It shall be its duty to select and appoint competent and qualified persons to deliver at least one lecture each year in each of the viticultural districts as named and designated in section 1 of this act: to give especial attention to the diseases and pests of the vineyards and methods of control; to collect viticultural statistics of the state; to study and foster methods of co-operation among grape growers and manufacturers of grape products; to arrange for meetings, shows and conventions, where those interested in the viticultural industries of the state may meet to further their mutual interests. Reports. The board shall issue semiannual reports of its various activities and make such recommendations as in its judgment it may deem best for the protection and for furthering the interests of the table, raisin and wine grape vineyards.

Sec. 5. The commissioners constituting the board shall Compensation. serve without compensation and shall be allowed only their actual traveling expenses to and from their places of residence when attending the meetings of the board. In no event, however, shall allowance be made to them for more than seven meetings during a year. If the board finds it necessary to hold meetings to a greater number than seven during a year, no allowance will be made for any meetings in excess of seven.

Sec. 6. The office of the board shall be in the city of Sacramento, and shall be kept open to the public, subject to the rules of the board, every day, excepting legal holidays and shall be in charge of the secretary during the absence of the board. Office.

Sec. 7. It shall be the duty of the secretary to attend all Duties of secretary. meetings of the board, and to preserve records of proceedings and correspondence, to collect books, pamphlets, periodicals, and other documents containing valuable information relating to viticulture, and to preserve the same; to collect statistics and other information showing the actual condition and progress of viticulture in this state and elsewhere; to collect information concerning lands suitable for viticulture, and to impart to the

public, upon proper demand being made, information concerning localities of such lands, prices, cost of cultivation, and means of transportation; *provided*, that he shall receive no fees for such services; to correspond with agricultural and viticultural societies, colleges, schools of agriculture and particularly the University of California and the university farms, and to disseminate information, printed or otherwise, as he may be directed by the board of viticultural commissioners; and to prepare as required by the board, semi-annual reports for publication.

Univer-
sity to
co-operate.

SEC. 8. And for the further promotion of the viticultural interests, it shall be the duty of the board of regents of the University of California to co-operate in every way possible with the state board of viticultural commissioners; to continue and extend the work of instruction and investigation which they are now carrying out, and to aid the state board of viticultural commissioners by making such needful analyses and laboratory researches as their laboratories and experiment stations render possible.

Appro-
priation.

SEC. 9. There is hereby appropriated for the purpose mentioned in this act the sum of seven thousand five hundred dollars annually and the state controller shall draw his warrants upon the state treasurer in favor of the treasurer of the said state board of viticultural commissioners, upon proper demand being made for same.

CHAPTER 197.

An act in relation to fences and other structures erected to annoy, and for the abatement of nuisances.

[Approved May 28, 1913 In effect August 10, 1913.]

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

Fence ten
feet high
a nui-
sance

SECTION 1. Any fence or other structure in the nature of a fence, unnecessarily exceeding ten feet in height maliciously erected or maintained for the purpose of annoying the owner or occupants of adjoining property, shall be deemed a private nuisance.

Injured
person's
recourse.

SEC. 2. Any such owner or occupant, injured either in his comfort or the enjoyment of his estate by such nuisance may enforce the remedies against the continuance of the same prescribed in title III part III of the Civil Code of the State of California.

CHAPTER 198.

An act regulating the payment of wages earned in seasonal labor and prescribing the powers and duties of the commissioner of the bureau of labor statistics, in relation thereto.

[Approved May 28, 1913. In effect August 10, 1913]

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

SECTION 1. For the purpose of this act the term "seasonal labor" shall include all work performed by any person employed for a period of time greater than one month, and where the wages for such work are not to be paid at any fixed intervals of time, but at the termination of such employment, and where the work is to be performed outside of this state; *provided*, that such person is hired within this state and the wages earned during such employment are to be paid in this state at the termination of such employment.

"Seasonal labor" defined.

SEC. 2. Upon application of either the employer or the employee, the wages earned in seasonal labor, shall be paid in the presence of the commissioner of the bureau of labor statistics or an examiner appointed by him.

Wages paid in presence of examiner.

SEC. 3. The commissioner shall hear and decide all disputes arising from wages earned in seasonal labor and he shall allow or reject any deductions made from such wages; *provided, however*, that he shall reject all deductions made for gambling debts incurred by the employee during such employment and for liquor sold to the employee during such employment.

wages disputes

SEC. 4. After final hearing by the commissioner, he shall file in the office of the bureau of labor statistics, a copy of the findings upon facts and his award.

Findings filed.

SEC. 5. The amount of the award of the commissioner shall be conclusively presumed to be the amount of the wages due and unpaid to the employee at the time of the termination of the employment, and prosecution may be commenced under the provisions of an act entitled, "An act providing for the time of payment of wages," approved May 1, 1911.

Award. wages due.

SEC. 6. The commissioner or any examiner appointed by him, shall have power and authority to issue subpoenas to compel attendance of witnesses or parties, and the production of books, papers or records and to administer oaths. Obedience to such subpoenas shall be enforced by the courts of any county or city and county.

May issue subpoenas.

SEC. 7. This act shall not be construed to apply to the wages earned by seamen or other persons, where the payment of wages is regulated by federal statute.

Not applicable to seamen.

CHAPTER 199.

An act to amend section twenty-two and one half of an act entitled, "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state, for the constructing of sewers and other sanitary purposes, the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, amended March 9, 1909.

[Approved May 29, 1913. In effect August 10, 1913.]

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

SECTION 1. Section twenty-two and one half of an act entitled, "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March thirty-first, one thousand eight hundred and ninety-one, is hereby amended to read as follows:

Alteration
of bound-
aries.

Section 22½. The boundaries of any sanitary district may be altered, and outlying contiguous territory in the same county as such sanitary district annexed thereto in the manner following:

Petition.

A petition signed by the owner or owners representing more than one half of the assessed valuation of such contiguous territory proposed to be annexed as shown by the last equalized assessment book of the county in which said sanitary district is situated, designating specifically the boundaries of such contiguous territory proposed to be annexed, and the assessed valuation thereof as shown by said last equalized assessment book, and stating that such territory is not within the limits of any other sanitary district, and asking that such territory be annexed to said sanitary district, shall be presented to the sanitary board thereof, together with a duly executed bond for the sum of not less than one hundred dollars, to be approved by said sanitary board and filed with the county treasurer as security for the payment by said petitioners of the reasonable costs of the election hereinafter provided for, in the event that at said election less than two thirds of the votes cast are in favor of the annexation of the proposed territory to the sanitary district.

Bond.

Order of
election.

When such petition is presented and a bond approved and filed as above provided for, the sanitary board must within

thirty days thereafter order that an election be held for the purpose of determining whether or not such proposed territory shall be annexed. The order must fix the day of such election, which must be within sixty days from the date of the order, and must show the boundaries of the proposed district. This order shall be entered in the minutes of the sanitary board and shall be conclusive evidence of the due presentation of a proper petitioner, and of the fact that each of the petitioners was at the time of the signing of the petition and the presentation thereof a resident and freeholder within the limits of the proposed district to be annexed.

A copy of such order shall be posted for four successive weeks prior to the election, in three public places within the proposed district, and shall be published for four successive weeks prior to the election in some newspaper published in the district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week. At any time prior to the day fixed for the election, the board shall select one and may select two polling places within the sanitary district, appoint officers of election, and make all necessary and proper arrangements for holding the election. The ticket shall contain the words, "For Annexation to the Sanitary District," and "Against Annexation to the Sanitary District." The election shall be conducted in accordance with the general election laws of the state, so far as the same shall be applicable, except as herein otherwise provided. Every qualified elector resident within the district for the length of time necessary to enable him to vote at a general election shall be entitled to vote at the election above provided for. After the votes shall have been announced the ballots shall be sealed up and delivered to the secretary or president of the sanitary board which shall, as soon as practicable proceed to canvass the same, and shall enter the result upon the minutes. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this act or by law, and of the facts stated in such entry. If at said election less than two thirds of the votes cast be in favor of the annexation to the proposed territory to the sanitary district the signers of said petition shall, within ten days after canvassing of the votes of said election, pay to the sanitary board a sum of money covering the reasonable costs of said election, and if said sum of money is not so paid within ten days as aforesaid, the sanitary board shall have the right of action under said bond to recover the reasonable costs of said election, and the sanitary board shall, by order disapprove said petition and enter the same in the minutes of said board and no other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of said petition except to collect the costs of said election as herein provided, and if, at such election, two thirds of the votes cast be in favor of the annexation of the proposed territory to the sanitary district, the sanitary board shall pay the expenses of said election from

Order
posted and
published.

Ballot.

Electors.

Two-thirds
vote.

the proper funds of the sanitary district and shall make and cause to be entered in the minutes of said board and endorsed on said petition an order approving said petition, and said petition shall thereupon be transmitted to and filed with the board of supervisors of the county in which such sanitary district is situated. Said board of supervisors, at its next regular meeting after the filing of said petition, shall by an order alter the boundaries of said sanitary district and annex thereto the contiguous territory described in said petition. Such order shall be conclusive evidence of the validity of all prior proceedings leading to such annexation and recited in said order, and from and after the same such territory shall become and be a part of such sanitary district. The property within such territory so annexed shall be taxed, together with the remainder of said district, to pay its proportion of the unpaid bonded or other indebtedness of such sanitary district existing at the time of such annexation incurred for the cost of construction, estimated as hereinafter provided, of main sewers already constructed in said district, and also to pay the running expenses of said district. The engineer of such district shall, when required by the sanitary board thereof, estimate the unpaid cost of construction of all main sewers, already constructed in said district at the time of such annexation, and such estimate when approved by the sanitary board shall be final and conclusive and shall be the basis upon which said sanitary board shall tax said annexed territory.

Super-
visors
alter
bound-
aries.

Property
taxed for
unpaid
bonds.

Bond
election.

Order
posted and
published.

At any time after the annexation of such contiguous territory the sanitary board may, by an order entered in the minutes, call an election within such annexed territory for the purpose of determining whether bonds shall be issued for the construction of sewers therein. Such order shall fix the day of the election and shall specify the amount of money to be raised, and shall state in general terms the purposes for which it is to be raised. A copy of such order shall be posted for four successive weeks prior to the election in at least three public places within such annexed territory in said district, and shall be published for four successive weeks prior to the election in some newspaper published within the district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week.

Ballot.

How con-
ducted.

Electors.

At any time prior to the day fixed for the election the board shall select one polling place within said annexed territory, appoint officers of election therein, and make all necessary and proper arrangements for holding the election. The tickets shall contain the words, "For the issuance of bonds as proposed by the sanitary board," or "Against the issuance of bonds as proposed by the sanitary board."

The election shall be conducted in accordance with the general election laws of the state so far as the same shall be practicable, except as herein otherwise provided.

Every qualified elector, resident within such annexed territory for the length of time necessary to enable him to vote at a

general election, shall be entitled to vote at the election above provided for.

After the votes shall have been announced the ballots shall be sealed up and delivered to the secretary or president of the sanitary board, which shall, as soon as practicable, proceed to canvass the same, and shall enter the result on its minutes. Such entry shall be conclusive evidence of the fact and regularity of all the prior proceedings of every kind and nature provided by this act or by law, and of the facts stated in such entry, and if at such election two thirds of the votes cast be in favor of the issuance of bonds as proposed by the sanitary board, the said board shall thenceforth have full power and authority to issue and dispose of bonds as proposed in the order calling the election.

Ballots delivered to secretary.

Two-thirds vote.

All bonds so issued shall be of such denomination as the sanitary board may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars. Such bonds shall be payable in gold coin of the United States at the office of the county treasurer of the county wherein said district is situated and shall bear interest at a rate not exceeding five per centum per annum, which interest shall be payable semiannually in like gold coin. Not less than one twentieth part of the total issue of bonds shall be payable each year on a day to be specified by the sanitary board, but no bond shall be payable in installments, but each bond issued hereunder shall be payable in full on the date specified therefor by said board. Each bond shall be signed by the president and countersigned by the secretary of the sanitary board, and said bonds shall be numbered consecutively beginning with number one, and shall have coupons attached referring to the number of the bond to which they are attached, which coupons shall be signed by the president and countersigned by the secretary of said board.

Denomination of bonds.

Interest.

Signed by president.

The bonds must be disposed of by the sanitary board in such manner and in such quantities as may be determined by such board in its discretion, but no bond must be disposed of for less than its face value.

Sale.

The proceeds of such sale shall be deposited with the county treasurer and shall be by him placed in the fund to be called "the sewer construction fund of annexed territory of ----- sanitary district" (naming it). The money in such fund shall be used for the purposes indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purpose; *provided*, that if after such purposes are entirely fulfilled any balance remains in such fund, such balance may by the order of the sanitary board be transferred to the "bond, interest and redemption fund" for the redemption of bonds and the payment of interest thereon, issued under the provisions of this section.

Fund.

If the result of the election be against the issuance of bonds no other election upon the question shall be called or held for a period of one year.

Against bonds.

Tax for
interest
and prin-
cipal.

It is hereby made the duty of the sanitary board to levy each year upon the property within the said annexed territory a sufficient tax to pay off the interest accruing upon said bonds for the respective year as each falls due, and also to pay at least one twentieth of the principal of said bonds so that the entire amount of the principal and interest of said bonds shall be paid within twenty years from the date of the issuance of said bonds; and it is hereby made the duty of the tax collector, or such other person as may be charged with the duty of collecting the sanitary district taxes, to collect the tax so to be levied, and the duty of the sanitary board to order the same paid in manner and form as provided by this act, and the duty of the county treasurer to pay the same. If, for any reason, any portion of the tax for any year remains unpaid, and in consequence thereof any portion of the interest or principal due for any year remains unpaid, the same shall be added to and levied for the next year, and be collected and paid accordingly.

Payment
within
twenty
years.

The payment of the whole amount of the principal and interest of all of said bonds, within twenty years from their issuance, is hereby made the imperative duty of the annexed territory; and, if necessary for that purpose, a special tax shall be levied by the sanitary board on the property situate in said annexed territory; and it is hereby made the duty of every officer and board to do his respective part towards the levy, collection and payment of such tax; and mandamus shall issue from the superior court of the county in which the district is situated, or from any other competent court upon the application of any party interested for the purpose of compelling the performance of the duty imposed by this act upon any and all boards and officers.

Action
to deter-
mine
validity
of bonds.

If the result of any election upon the question of the issuance of bonds for such annexed territory be in favor of such issuance, the sanitary board may, in their discretion, before such issuance, commence in the superior court of the county a special proceeding to determine their right to issue such bonds and the validity thereof, similar to the proceedings in relation to irrigation bonds provided for by an act entitled, "An act supplemental to 'An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March seventh, eighteen hundred and eighty-seven, and to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said act," and all the provisions of said act shall apply to and govern the proceedings so to be commenced by the sanitary board, so far as the same are applicable; and said proceedings shall be in accordance with the provisions of said act so far as the same are applicable, and the judgment in such proceedings shall have the same effect as a judgment in relation to irrigation bonds under the provisions of said act.

SEC. 2. All acts, and parts of acts, in conflict with this act, or any portion thereof, are hereby repealed.

CHAPTER 200.

An act to amend section one thousand two hundred and forty-three of the Code of Civil Procedure of the State of California relating to the county in which all proceedings under title VII of part III of the Code of Civil Procedure may be commenced and tried.

[Approved May 20, 1913. In effect August 10, 1913.]

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

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

1243. All proceedings under this title must be commenced in the superior court of the county in which the property sought to be taken is situated; *provided*, that where, of any one piece or article of property, or of any one interest in or to property, sought to be taken, a portion thereof is situated in one county and another portion thereof is situated in another county, the plaintiff may commence such proceedings in any of the counties where any portion of such piece or article of property, or interest in or to property, is situated, and the county so selected is the proper county for the trial of such proceedings; *and provided, further*, that when the plaintiff is a county, city and county, incorporated city or town, or a municipal water district, and the property sought to be taken is situated in more than one county, then the proceeding may be brought, at the option of the plaintiff, in any county wherein is situated any of the property sought to be taken, and said proceeding may be tried in said county, with reference to any property situated in the state; *provided, however*, that the right in this section granted to any plaintiff to commence and try an action in any county other than the county in which may be located any property in said action sought to be taken, shall be limited to property which is owned by the defendant, or by the defendant in common with the other defendants, or some of them. All such proceedings must be commenced by filing a complaint and issuing a summons. The provisions of this code for the change of place of trial of actions shall apply to proceedings under this title except as in this section otherwise provided. Nothing herein contained shall be construed to repeal any law of this state giving jurisdiction to the state railroad commission to ascertain the just compensation which must be paid in eminent domain proceedings. A *lis pendens* shall be filed at the time of the commencement of the action in every county in which any of the property to be affected shall be located.

Jurisdiction in superior court.

When plaintiff is county, etc.

How proceedings are commenced.

Lis pendens.

CHAPTER 201.

An act to amend section six hundred one of the Penal Code, relating to the malicious use of explosives and providing penalties therefor.

[Approved May 30, 1913. In effect August 10, 1913.]

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

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

Malicious
use of
dynamite.

601. Any person who maliciously uses, puts, places, deposits, explodes, or attempts to explode, at, in, under, or near, or takes into or near any building, vessel, boat, railroad, tramroad, or cable-road, or any train, or car, or any depot, stable, car-house, theater, schoolhouse, church, dwelling-house, or other place where human beings usually inhabit, assemble, frequent, or pass and repass, any dynamite, nitroglycerin, vigorite, giant or hercules powder, gunpowder, or other chemical compound or explosive, with the intent to injure or destroy such building, vessel, boat, or other structure; or with the intent to injure, intimidate, or terrify any human being, or by means of which any human being is injured or endangered, is guilty of a felony, and punishable by imprisonment in the state prison not less than one year.

Penalty.

CHAPTER 202.

An act to amend section three hundred seventy-two of the Code of Civil Procedure providing for a compromise of suits by guardians.

[Approved May 30, 1913. In effect August 10, 1913.]

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

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

Appearance
of
infant,
etc., by
guardian.

372. When an infant, or an insane or incompetent person is a party, he must appear either by his general guardian or by a guardian *ad litem* appointed by the court in which the action is pending, in each case. A guardian *ad litem* may be appointed in any case, when it is deemed by the court in which the action or proceeding is prosecuted, or by a judge thereof, expedient to represent the infant, insane, or incompetent person in the action or proceeding, notwithstanding he may have a general guardian and may have appeared by him. The general guardian or guardian *ad litem* so appearing for any infant, or insane or incompetent person in any suit shall have power to compromise the same and to agree to the judgment to be entered therein for or against his ward, subject to the approval of the court in which such suit is pending.

May com-
promise.

CHAPTER 203.

An act to amend an act, entitled, "An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities and also for the payment of such bonds," approved February 27, 1893, by adding thereto four new sections to be numbered 10 to 13 inclusive.

[Approved May 30, 1913. In effect August 10, 1913.]

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

SECTION 1. An act, entitled, "An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities and also for the payment of such bonds," approved February 27, 1893, is hereby amended by adding thereto four new sections to be numbered ten to thirteen inclusive, under the heading of part II, and to be in words and figures as follows, to wit:

Section 10. The public work provided to be done under the act may be performed under the provisions of this act in unincorporated territory in counties, and all of the provisions of this act shall apply with equal force to such work subject to the definitions and modifications hereinafter contained. Wherever the words "municipality," "municipalities" or "city" shall appear in this act, they shall be and are hereby defined as including cities, cities and counties and counties, and are hereby expressly declared to be interchangeable with any or either of these terms. Wherever the terms "city council" or "council" shall appear in this act, they shall be and are hereby defined as including the board of supervisors of a county, and are hereby expressly declared to be interchangeable with these terms; and all of the provisions of this act extending authority to or imposing duties or obligations upon the city council or council shall apply with equal force to the board of supervisors. Wherever the terms "street" or "streets" shall appear in this act, they shall be and are hereby defined as including highway, or highways, and are hereby expressly declared to be interchangeable therewith; and all of the provisions of this act relating to street or streets shall apply with equal force to highway or highways. Wherever the terms "city clerk," "clerk of the city council," "clerk of the council" or "clerk" shall appear in this act, they shall be and are hereby defined as including the county clerk of a county, and are hereby expressly declared to be interchangeable therewith; and all of the provisions of this act extending authority to or imposing duties or obligations upon the city clerk, clerk of the city council, clerk of the council or clerk shall apply with equal force to the county clerk. Wherever the terms "city treasury" or "municipal treasury" shall appear in this act, they shall be and are

Public work in unincorporated territory.

Terms interchangeable.

Terms interchangeable.

hereby defined as including the county treasurer, and are hereby expressly declared to be interchangeable with any or either of these terms. Wherever the terms "treasurer" or "city treasurer" shall appear in this act, they shall be and are hereby defined as including the county treasurer of a county, and are hereby expressly declared to be interchangeable therewith; and all of the provisions of this act extending authority to or imposing duties or obligations upon the treasurer or city treasurer shall apply with equal force to the county treasurer. Wherever the term "corporate limits" shall appear in this act, it shall be and is hereby defined as including the county boundary; and is hereby expressly declared to be interchangeable therewith; and all of the provisions of this act referring to corporate limits shall apply with equal force to the county boundary.

County street superintendent.

Sec. 11. The board of supervisors of any county in which it is desired to perform work under the provisions of this act shall be and they are hereby authorized to appoint a person to be known as the street superintendent of the said county who shall have all of the authority and perform all of the duties and obligations herein imposed upon the street superintendent, and shall be considered as designated wherever the words "street superintendent" or "superintendent of streets" are used in this act; and the board of supervisors may appoint as many deputies for the said street superintendent of the county as in their judgment may be proper and necessary, the said street superintendent to receive a compensation of six dollars per day, and his deputies to receive a compensation of four dollars per day for their time actually expended. The office of the street superintendent shall be the office of the county surveyor, and, at any time when no work is actually being conducted under the provisions of this act, or when the street superintendent shall not be in his office, the county surveyor shall have charge of the records in the street superintendent's office and perform such duties as are herein imposed upon the street superintendent, and have such other authority as is herein granted to the street superintendent; and all of the provisions of this act extending authority to or imposing duties or obligations upon the street superintendent or superintendent of streets shall apply with equal force to the superintendent of streets appointed by the board of supervisors.

Compensation.

Phraseology of bonds changed.

Sec. 12. In any bonds provided to be issued under the terms of this act, the phraseology of the said bonds shall be changed to conform to the designation of a county instead of city, and the officers hereinbefore mentioned on the part of the county shall be and they are hereby authorized to perform all of the duties herein by the provisions of this act or the provisions of the said bond specified to be performed.

Payment from general fund.

Sec. 13. If the board of supervisors shall determine that the whole or any part of the cost and expenses of the work mentioned in this act shall be paid out of the treasury of

the county, such payment, or any part of the same, may be made from the general fund of the county or general road fund of the county, or from the road district fund of the road district in which the said improvement shall be constructed.

CHAPTER 204.

An act to amend an act entitled, "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto six new sections to be numbered fifty-seven to sixty-two inclusive.

[Approved May 30, 1913. In effect August 10, 1913.]

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

SECTION 1. An act entitled "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks and for the construction of sewers within municipalities," approved March 18, 1885, is hereby amended by adding thereto six new sections to be numbered fifty-seven to sixty-two inclusive, under the heading of part IV, and to be in words and figures as follows, to wit:

Section 57. The public work provided to be done under this act may be performed under the provisions of this act in unincorporated territory in counties, and all of the provisions of this act shall apply with equal force to such work subject to the definitions and modifications hereinafter contained. Wherever the words "municipality," "municipalities" or "city" shall appear in this act, they shall be and are hereby defined as including cities, cities and counties and counties, and are hereby expressly declared to be interchangeable with any or either of these terms. Wherever the terms "city council" or "council" shall appear in this act, they shall be and are hereby defined as including the board of supervisors of a county, and are hereby expressly declared to be interchangeable with these terms; and all of the provisions of this act extending authority to or imposing duties or obligations upon the city council or council shall apply with equal force to the board of supervisors. Wherever the term "city engineer" shall appear in this act, it shall be and is hereby defined as including the county surveyor of a county, and is hereby expressly declared to be interchangeable therewith; and all of the provisions of this act extending authority to or imposing duties or obligations upon the city engineer shall apply with equal force to the county surveyor. Wherever the terms "city clerk," "clerk of the city council," "clerk of the council" or "clerk" shall appear in this act, they shall be and are hereby defined as including the county clerk of a county, and are hereby expressly declared to be interchangeable therewith; and all of the provisions of this act extending authority to or imposing duties or obligations upon

Public work in unincorporated territory.

Terms interchangeable.

Terms interchangeable.

the city clerk, clerk of the city council, clerk of the council or clerk shall apply with equal force to the county clerk. Wherever the terms "city treasury" or "municipal treasury" shall appear in this act, they shall be and are hereby defined as including the county treasury, and are hereby expressly declared to be interchangeable with any or either of these terms. Wherever the terms "treasurer" or "city treasurer" shall appear in this act, they shall be and are hereby defined as including the county treasurer of a county, and are hereby expressly declared to be interchangeable therewith; and all of the provisions of this act extending authority to or imposing duties or obligations upon the treasurer or city treasurer shall apply with equal force to the county treasurer. Wherever the terms "mayor" or "mayor of said city" shall appear in this act, they shall be and are hereby defined as including the chairman of the board of supervisors of a county, and are expressly declared to be interchangeable therewith; and all of the provisions of this act extending authority to or imposing duties or obligations upon the mayor or mayor of said city shall apply with equal force to the chairman of the board of supervisors.

County street superintendent.

Section 58. The board of supervisors of any county in which it is desired to perform work under the provisions of this act shall be and they are hereby authorized to appoint a person to be known as the street superintendent of the said county who shall have all of the authority and perform all of the duties and obligations herein imposed upon the street superintendent, and shall be considered as designated wherever the words "street superintendent" or "superintendent of streets" are used in this act; and the board of supervisors may appoint as many deputies for the said street superintendent of the county as in their judgment may be proper and necessary, the said street superintendent to receive a compensation of six dollars per day and his deputies to receive a compensation of four dollars per day for their time actually expended. The office of the street superintendent shall be the office of the county surveyor, and, at any time when no work is actually being conducted under the provisions of this act, or when the street superintendent shall not be in his office, the county surveyor shall have charge of the records in the street superintendent's office and perform such duties as are herein imposed upon the street superintendent, and have such other authority as is herein granted to the street superintendent; and all of the provisions of this act extending authority to or imposing duties or obligations upon the street superintendent or superintendent of streets shall apply with equal force to the superintendent of streets appointed by the board of supervisors.

Compensation.

Phraseology of bonds changed.

Section 59. In any bonds provided to be issued under the terms of this act, the phraseology of the said bonds shall be changed to conform to the designation of a county instead of city, and the officers hereinbefore mentioned on the part of the county shall be and they are hereby authorized to perform all of the duties herein by the provisions of this act or the provisions of the said bond specified to be performed.

Section 60. If the board of supervisors shall determine that the whole or any part of the cost and expenses of the work mentioned in this act shall be paid out of the treasury of the county, such payment, or any part of the same, may be made from the general fund of the county or general road fund of the county, or from the road district fund of the road district in which the said improvement shall be constructed.

Payment from general fund.

Section 61. If any public highway lighting system shall be installed under the provisions of this act, the board of supervisors may, by ordinance, provide, at any time before, after or during the proceedings under this act, that the cost of maintaining the said public highway lighting system, including the cost of necessary repairs, replacements, fuel, current, care and other items of like nature, shall be paid, either partly or wholly, by the district upon which the assessment shall be levied to pay the cost of the installation of the same. The ordinance shall contain a description of the district to be assessed to pay for the installation of the said lighting system and to be assessed to pay for the maintenance thereof, and also shall contain a designation or name of the said district by which it may be referred to in all subsequent proceedings, and a copy of the said ordinance shall be filed in the office of the county assessor. The county assessor shall thereafter, in making up the assessment roll, segregate the property included within the district described in the said ordinance on the assessment roll under the designation contained in the said ordinance. The board of supervisors shall thereafter, in each year prior to the time of fixing the county tax rate, estimate the cost of maintaining the said public highway lighting system during the ensuing year, and shall decide whether or not the cost of the same shall be borne wholly or partially by the said assessment district, and shall, in addition to all other taxes, fix a special tax rate for the property within said assessment district sufficient to raise an amount of money to cover all of the portion of the expense of maintaining the said public highway lighting system to be borne by said district as the board of supervisors may determine.

Highway lighting system.

Ordinance to describe district.

Tax for maintenance.

Section 62. The board of supervisors of any county are hereby authorized by ordinance to adopt a name for any road, highway, avenue or other public way in the county for which a name has not been provided under the provisions of section two thousand six hundred and thirty-six of the Political Code, and are hereby authorized by ordinance to establish the official grade of any road, highway, avenue or other public way in the county for which no official grade has theretofore been established by ordinance.

Names for roads.

SEC. 2. This act shall not be construed as amending or repealing the provisions of an act of the legislature, entitled, "An act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property;" nor as in any way limiting, modifying or qualifying the operation of the provisions thereof.

Act not affected.

CHAPTER 205.

An act to amend an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 17, 1911, by adding thereto six new sections to be numbered eighty-four to eighty-nine inclusive.

[Approved May 30, 1913. In effect August 10, 1913.]

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

SECTION 1. An act entitled, "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 17, 1911, is hereby amended by adding thereto six new sections to be numbered eighty-four to eighty-nine inclusive, under the heading of "Part V," and to be in words and figures as follows, to wit:

Sec. 84. The public work provided to be done under this act may be performed under the provisions of this act in unincorporated territory in counties, and all of the provisions of this act shall apply with equal force to such work subject to the definitions and modifications hereinafter contained. Wherever the words "municipality," "municipalities" or "city" shall appear in this act, they shall be and are hereby defined as including cities, cities and counties and counties, and are hereby expressly declared to be interchangeable with any or either of these terms. Wherever the term "city council" shall appear in this act, it shall be and is hereby defined as including the board of supervisors of a county and is hereby expressly declared to be interchangeable with this term; and all of the provisions of this act extending authority to or imposing duties or obligations upon the city council shall apply with equal force to the board of supervisors. Wherever the term "city engineer" shall appear in this act, it shall be and is hereby defined as including the county surveyor of a county, and is hereby expressly declared to be interchangeable therewith; and all of the provisions of this act extending authority to or imposing duties or obligations upon the city engineer shall apply with equal force to the county surveyor. Wherever the terms "city clerk," "clerk of the city council" or "clerk of the council" shall appear in this act, they shall be and are hereby defined as

Public
work in
unincor-
porated
territory.

Terms in-
terchange-
able.

including the county clerk of a county, and are hereby expressly declared to be interchangeable therewith; and all of the provisions of this act extending authority to or imposing duties or obligations upon the city clerk, clerk of the city council or clerk of the council shall apply with equal force to the county clerk. Wherever the terms "city treasury" or "municipal treasury" shall appear in this act, they shall be and are hereby defined as including the county treasury, and are hereby expressly declared to be interchangeable with any or either of these terms. Wherever the terms "treasurer" or "city treasurer" shall appear in this act, they shall be and are hereby defined as including the county treasurer of a county, and are hereby expressly declared to be interchangeable therewith; and all of the provisions of this act extending authority to or imposing duties or obligations upon the treasurer or city treasurer shall apply with equal force to the county treasurer. Wherever the terms "mayor" or "mayor of said city" shall appear in this act, they shall be and are hereby defined as including the chairman of the board of supervisors of a county, and are expressly declared to be interchangeable therewith; and all of the provisions of this act extending authority to or imposing duties or obligations upon the mayor or mayor of said city shall apply with equal force to the chairman of the board of supervisors.

Terms interchangeable.

Sec. 85. The board of supervisors of any county in which it is desired to perform work under the provisions of this act shall be and they are hereby authorized to appoint a person to be known as the street superintendent of the said county who shall have all of the authority and perform all of the duties and obligations herein imposed upon the street superintendent, and shall be considered as designated wherever the words "street superintendent" or "superintendent of streets" are used in this act; and the board of supervisors may appoint as many deputies for the said street superintendent of the county as in their judgment may be proper and necessary, the said street superintendent to receive a compensation of six dollars per day, and his deputies to receive a compensation of four dollars per day for their time actually expended. The office of the street superintendent shall be the office of the county surveyor, and at any time when no work is actually being conducted under the provisions of this act, or when the street superintendent shall not be in his office, the county surveyor shall have charge of the records in the street superintendent's office and perform such duties as are herein imposed upon the street superintendent, and have such other authority as is herein granted to the street superintendent; and all of the provisions of this act extending authority to or imposing duties or obligations upon the street superintendent or superintendent of streets shall apply with equal force to the superintendent of streets appointed by the board of supervisors.

County street superintendent.

Compensation.

Sec. 86. In any bonds provided to be issued under the terms of this act, the phraseology of the said bonds shall be

Phraseology of bonds changed.

changed to conform to the designation of a county instead of city, and the officers hereinbefore mentioned on the part of the county shall be and they are hereby authorized to perform all of the duties herein by the provisions of this act or the provisions of the said bond specified to be performed.

Payment
from
general
fund.

Sec. 87. If the board of supervisors shall determine that the whole or any part of the cost and expenses of the work mentioned in this act shall be paid out of the treasury of the county, such payment, or any part of the same, may be made from the general fund of the county or general road fund of the county, or from the road district fund of the road district in which the said improvement shall be constructed.

Highway
lighting
system.

Sec. 88. If any public highway lighting system shall be installed under the provisions of this act, the board of supervisors may, by ordinance, provide, at any time before, after or during the proceedings under this act, that the cost of maintaining the said public highway lighting system, including the cost of necessary repairs, replacements, fuel, current, care and other items of like nature, shall be paid, either partly or wholly, by the district upon which the assessment shall be levied to

Ordinance
to describe
district.

pay the cost of the installation of the same. The ordinance shall contain a description of the district to be assessed to pay for the installation of the said lighting system and to be assessed to pay for the maintenance thereof, and also shall contain a designation or name of the said district by which it may be referred to in all subsequent proceedings, and a copy of the said ordinance shall be filed in the office of the county assessor. The county assessor shall thereafter, in making up the assessment roll, segregate the property included within the district described in the said ordinance on the assessment roll under the designation contained in the said ordinance. The board of supervisors shall thereafter, in each year prior to the time of fixing the county tax rate, estimate the cost of maintaining the said public highway lighting system during the ensuing year, and shall decide whether or not the cost of the same shall be borne wholly or partially by the said assessment district, and shall, in addition to all other taxes, fix a special tax rate for the property within said assessment district sufficient to raise an amount of money to cover all of the portion of the expense of maintaining the said public highway lighting system to be borne by said district as the board of supervisors may determine.

Tax for
mainte-
nance.

Names for
roads.

Sec. 89. The board of supervisors of any county are hereby authorized by ordinance to adopt a name for any road, highway, avenue or other public way in the county for which a name has not been provided under the provisions of section two thousand six hundred and thirty-six of the Political Code, and are hereby authorized by ordinance to establish the official grade of any road, highway, avenue or other public way in the county for which no official grade has theretofore been established by ordinance.

Sec. 2. This act shall not be construed as amending or

repealing the provisions of an act of the legislature, entitled, "An act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property;" nor as in any way limiting, modifying or qualifying the operation of the provisions thereof.

Act not
affected.

CHAPTER 206.

An act to amend section ten hundred ninety-five of the Code of Civil Procedure of the State of California, relating to the recovery of damages and awarding of costs in mandate proceedings, and said section as hereby amended providing for the recovery of damages and the awarding of costs against the state, counties and municipal corporations in certain cases.

[Approved May 31, 1913. In effect August 10, 1913.]

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

SECTION 1. Section ten hundred ninety-five of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

1095. If judgment be given for the applicant, he may recover the damages which he has sustained, as found by the jury, or as may be determined by the court or referee, upon a reference to be ordered, together with costs; and for such damages and costs an execution may issue; and a peremptory mandate must also be awarded without delay; *provided, however*, that in all cases where the respondent is a state, county or municipal officer, all damages and costs, or either, which may be recovered or awarded, shall be recovered and awarded against the state, county or municipal corporation represented by such officer and not against such officer so appearing in said proceeding, and the same shall be a proper claim against the state, or county, or municipal corporation for which such officer shall have appeared, and shall be paid as other claims against the state, county or municipality are paid; but in all such cases, the court shall first determine that the officer appeared and made defense in such proceeding in good faith.

Recovery
of dam-
ages by
applicant.

When
state, etc.,
is respon-
dent.

CHAPTER 207.

An act to amend section one thousand seven hundred and forty-six of the Political Code, relating to the issuance of bonds of high school districts.

[Approved June 1, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one thousand seven hundred and forty-six of the Political Code is hereby amended to read as follows:

1746. If it appears that two thirds of the votes cast

When two
thirds
favor
bonds.

Limit on
amount
of bonds.

Form of
bonds.

Where
payable.

Sale at
par.

Adver-
tisement
of sale.

at said election were cast in favor of issuing such bonds, then such high school board shall cause an entry of that fact to be made upon its minutes, and shall certify to the board of supervisors of the county whose superintendent of schools has jurisdiction of said high school district all of the proceedings had in the premises, and thereupon said board of supervisors shall be and it is hereby authorized and directed to issue the bonds of such high school district, in accordance with such proceedings, payable out of the building fund of such high school district, naming the same; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the high school district as shown by the last equalized assessment of the county or counties in which such district is located. The board of supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds and of the interest coupons attached thereto, if any, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof. If the notice calling the election shall have provided that the bonds and the interest thereon shall be payable in gold coin of the United States, the bonds shall be made payable in such gold coin, as to principal and interest. If the notice calling the election shall have provided that the bonds and the interest thereon shall be payable in lawful money of the United States, the bonds shall be made payable in lawful money of the United States as to principal and interest. If the notice shall have made no such specific provisions, the board of supervisors shall have power in the order prescribing the form of the bonds either to make the bonds payable in gold coin of the United States as to principal and interest, or to make them payable in lawful money of the United States as to principal and interest. Said board of supervisors may make the principal and interest of said bonds payable at the office of the treasurer of the county, or at such other place within the United States as the board may designate, or at such treasurer's office or such other designated place, at the option of the bond holder; which place of payment shall be specified in the bonds; and this provision shall apply to all such bonds not yet issued when this section takes effect, regardless of the time when the election therefor was held. The expense of paying such principal and interest elsewhere than at the office of the treasurer shall be a charge against the high school district funds, to be paid out of the tax for the payment of the bonds. Said bonds must be sold at the times and in the amounts prescribed by the board of supervisors, but for not less than par. and the proceeds of the sale thereof must be deposited in the county treasury to the credit of the building fund of the said high school district, and be drawn out for the purposes aforesaid as other high school moneys are drawn out. Before selling said bonds, or any part thereof, the board of supervisors must advertise

for bids therefor for at least two weeks in some daily or weekly newspaper of general circulation published in the county, or if there is no such newspaper published in the county, in some such newspaper published in some other county in the state. If satisfactory bids are received, the bonds offered for sale must be awarded to the highest bidder. If no bids are received, or the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell said bonds at private sale.

CHAPTER 208.

An act confirming and validating the organization of school districts.

[Approved June 1, 1913. In effect August 10, 1913.]

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

SECTION 1. Where the board of supervisors of any county have purported to establish a school district situated within such county and such district has acted as a school district for a period of one year previous to the taking effect of this act, all acts and proceedings taken for the purpose of creating such district are hereby legalized, validated and declared to be sufficient, and such school district is hereby declared to be duly incorporated and as such school district under its appropriate name shall have all the rights and privileges and be subject to all of the duties and obligations of a duly incorporated school district. School districts validated.

CHAPTER 209.

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

[Approved June 1, 1913. In effect August 10, 1913.]

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

SECTION 1. Where in any school district, or high school district of any kind or class, including union high school districts and joint union high school districts, proceedings have been taken for the purpose of issuing and selling bonds of such district, for any purpose or purposes, all the acts and proceedings of the board of trustees, board of education or other governing body of such district, and all the acts and proceedings of the board of supervisors of the county within which such district is situated, leading up to and including the issuance School bonds validated.

of such bonds if they have heretofore been sold, and all such acts and proceedings heretofore had although the bonds are not yet sold, are hereby legalized, ratified, confirmed and validated to all intents and purposes, and the power of such district and of the board of supervisors of the county in which such district is situated, to issue such bonds, is hereby ratified, confirmed and declared, and the bonds heretofore sold are declared to be, and the bonds hereafter sold shall be, the legal and binding obligations of and against the district having heretofore issued, or hereafter issuing, such bonds, and the faith and credit of such district is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

Power to
levy tax
for pay-
ment.

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

Must be
sold at
par.

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

CHAPTER 210.

An act to amend section one thousand five hundred and ninety-seven of the Political Code, relating to the time that polls shall be open at elections in school districts.

[Approved June 1, 1913. In effect August 10, 1913.]

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

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

Opening
and closing
of polls
in school
elections.

1597. In districts in which the average daily attendance as shown by the teachers' register, exceeds four hundred, the polls must be open at eight o'clock a.m., and kept open until six o'clock p.m. In other districts the polls must not be opened before nine o'clock a.m., nor kept open less than four hours; *provided, however*, in all elections held for the purpose of authorizing the incurring of any bonded indebtedness the polls must be opened at eight o'clock a.m., and kept open until six o'clock p.m.

CHAPTER 211.

An act to amend an act entitled "An act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, approved May 1, 1911," by adding a new section thereto to be known as section fourteen a.

[Approved June 2, 1913. In effect August 10, 1913.]

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

SECTION 1. The act known as chapter 653 of the Statutes of 1911, of the State of California, is hereby amended by adding a new section thereto to be known as 14a and to read as follows:

Section 14a. The following insecticides and fungicides or materials to be used for insecticidal or fungicidal purposes may be sold by grocers and dealers generally without restriction and without the registration fee, permit or license being required of them, viz: Insect powders, poison fly paper, sticky fly paper, borax, moth balls, gum camphor, spirits of camphor, blue ointment, oil of eucalyptus, castor oil, ant poison, sheep dip, lice killer, sulphur, bluestone.

Insecticides sold without license.

CHAPTER 212.

An act to provide for the payment of compensation of additional help in the county clerk's office of the various counties throughout the state.

[Approved June 2, 1913. In effect August 10, 1913.]

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

SECTION 1. In any county where it was necessary for the county clerk to employ help in addition to that prescribed by law, in order to provide for the necessary work in registering voters, entailed by the adoption of the constitutional amendment extending the right of suffrage to women, the board of supervisors shall be and they are hereby authorized and empowered to allow the demand of any person for services so rendered at the request of the county clerk of the said county upon a certificate of the county clerk that the services were necessary to conduct the work of his office by reason of the increased work occurring, as above set forth, at the rate of three dollars for each day of eight hours that any such person was so employed in rendering such services; *provided, however*, that no demand for such services shall be allowed or paid unless the same was filed with the board of supervisors prior to the first day of May, 1913.

Additional help for county clerks.

CHAPTER 213.

An act authorizing and empowering the directors of the state board of agriculture to set aside a site and to grant to any person or persons the right and privilege to erect in the state fair grounds at agricultural park in the city of Sacramento a building or other structure as a memorial, providing for the approval of the plans and specifications therefor and for the acceptance and maintenance thereof.

[Approved June 2, 1913. In effect August 10, 1913.]

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

Memorial
buildings
in agri-
cultural
park.

SECTION 1. The directors of the state board of agriculture are hereby authorized and empowered to set aside a suitable site and to grant to any person or persons the right and privilege to erect in the state fair grounds at agricultural park in the city of Sacramento a suitable building or other structure as a memorial to any person, who during life, was identified with the work of advancing and promoting the interests of the State of California. The plans and specifications for such memorial building or other structure shall be approved by the state engineering department as to strength of design and materials and by the directors of the state board of agriculture before the right or privilege to erect the same shall be granted, and when erected and accepted by the directors of the state board of agriculture, such building or other structure shall be under the sole control and direction of the directors of the state board of agriculture the same as other buildings in said state fair grounds, and shall be maintained by the State of California as an integral portion of the said state fair grounds.

CHAPTER 214.

An act to amend "An act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor statistics, and providing penalties for the violation hereof," approved February 20, 1905, approved April 14, 1911, as amended.

[Approved June 2, 1913. In effect August 10, 1913.]

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

SECTION 1. An act entitled, "An act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor

statistics, and providing penalties for the violation hereof," approved February 20, 1905, approved April 14, 1911, as amended, is hereby amended to read as follows:

SECTION 1. No minor under the age of eighteen years shall be employed in laboring in any manufacturing, mechanical, or mercantile establishment, or other place of labor, more than eight hours in one day, except when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week, and in no case shall the hours of labor exceed forty-eight hours in a week.

Hours of labor of minors under 18.

SEC. 2. No minor under the age of eighteen years shall be employed or permitted to work between the hours of ten o'clock in the evening and five o'clock in the morning.

Not to work 10 p.m. to 5 a.m.

SEC. 3. No minor under the age of fifteen years shall be employed in any mercantile institution, office, laundry, manufacturing establishment, workshop, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, unless such minor is supplied with a permit to work as hereinafter provided.

Minors under 15 not to work in laundry, etc.

SEC. 4. The superintendent of schools of any city, or of any city and county, or of any county (over such portions of any such county as are not within the jurisdiction of any superintendent of city schools) shall have authority to issue a permit to work to any minor between the ages of twelve and fifteen years, in any of the following circumstances:

Permit to work.

(1) Where such minor has completed the proscribed grammar school course, and is physically fitted for the labor contemplated; or

Completed grammar school.

(2) Where upon the sworn statement being made by the parent, or foster-parent, or guardian, of such minor, that such minor is past the age of twelve years, that the parent or parents, or foster-parent or foster-parents, or guardian, of such minor is incapacitated for labor through illness or injury, or that through the death or desertion of the father of such minor, the family is in need of the earnings of such minor, and that sufficient aid cannot be secured in any other manner. The person authorized to issue such permit shall make a signed statement in granting such permit that he, or a competent person designated by him for this purpose, has carefully investigated the conditions under which the application for such permit has been asked, and has found that in his judgment the earnings of such minor are necessary for such family to support such minor, and that in his judgment sufficient aid can not be secured in any other manner.

Parents incapacitated.

SEC. 5. No permit as specified in section 4 of this act shall be issued except upon written evidence that suitable work is waiting for such minor, and such permit shall specify the kind of labor. Permits issued under subdivision (2) of said section 4 shall in no case be issued for a longer period than shall seem necessary, nor for longer than six

Kind of labor specified.

months, at the end of which period such superintendent shall see that such minor returns to school, unless a new permit to labor is issued. Such permit shall be kept on file by the person, firm or corporation employing the minor therein designated, during the term of said employment, and shall be given up to such minor upon his quitting such employment. Where such minor works for himself and not for others, such minor shall keep in his possession such permit. Such permit shall be issued on forms in accordance with this act, which shall be prepared and provided by the commissioner of the bureau of labor statistics of the State of California. Such permit shall be subject to revocation at any time by such commissioner of the bureau of labor statistics, or by the authority issuing such permit, whenever such commissioner, or the authority issuing such permit shall find that the conditions for the legal issuance of such permit do not exist. Such permit shall be always open to the inspection of the attendance and probation officers, or of the officers of the state bureau of labor statistics. A duplicate copy of each permit to work granted under the provisions of this act shall be kept by the person issuing such permit, such copy to be filed with the superintendent of schools of the city, or city and county, or county, as the case may be; *provided*, that all copies of permits issued between June 25th and December 25th of any year shall be filed not later than December 31st of such year; and those issued between December 25th and June 25th of the ensuing year shall be filed not later than June 30th of each year. Corresponding semiannual reports of all such permits issued shall be made by such superintendents in such form as may be required by the commissioner of the bureau of labor statistics of the State of California.

Form of permit.
Revocable.
Duplicate kept.
Semi-annual report.
Inspection of places of employment.
Work during vacations.

SEC. 6. The attendance officer of any county, city and county, or school district in which any place of employment, in this act named, is situated, or the probation officer of such county, shall have the right and authority, at all times to enter into any such place of employment for the purpose of investigating violations of the provisions of this act, or violations of the provisions of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of the act," approved March 24, 1903, and any act amending or superseding the same; *provided, however*, that if such attendance or probation officer is denied entrance to such place of employment, any magistrate may, upon the filing of an affidavit by such attendance or probation officer setting forth the fact that he has a good cause to believe that the provisions of this act, or the act hereinbefore referred to, are being violated in such place of employment, issue an order directing such attendance or probation officer to enter said place of employment for the purpose of making such investigations: *and provided*, that any such minor over the age of twelve years may be employed at any of the occupations mentioned in this act on the regular weekly school holidays, or during the regular

vacation of the public schools of the city, county, or city and county, in which the place of employment is situated, upon the production of a permit signed by the principal, vice-principal of the school, or secretary of the board of school trustees or board of education of the school which such minor is attending, or has attended during the term next preceding any such vacation. Such permit shall contain the name and age of the minor to whom it is issued, and when issued for the regular vacation, the date of the termination of the vacation for which it is issued, and in any case shall be kept on file by the employer during the period of employment, and at the termination of such employment shall be returned to the minor to whom it was issued.

SEC. 7. No minor who is under sixteen years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the city, town or school district in which his place of employment is situated are in session, unless he or she has completed the prescribed grammar school course, or unless he or she is a regular attendant for the then current term at a regularly conducted night school: *provided, however*, that if the bodily or mental condition of said minor is such as to render inadvisable attendance at school or application to study, a certificate from any licensed physician that said minor should not attend school shall be sufficient excuse for such non-attendance.

Work during school hours.

SEC. 8. Every person, firm or corporation employing minors under eighteen years of age, in any manufacturing establishment, shall post and keep posted, in a conspicuous place in every room where such minors are employed, a written or printed notice stating the number of hours per day for each day of the week required of such minors.

Notice of hours of labor posted.

SEC. 9. Every person, firm, or corporation, agent or officer of a firm or corporation, employing or permitting minors under sixteen and over fifteen years of age to work in any mercantile institution, office, laundry, manufacturing establishment, workshop, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, shall keep a record of the names, ages, and places of residence of such minors, and shall have on file a certificate of age and schooling, as provided in this act, for every such minor so employed, said record and certificate to be open at all times to the inspection of the school attendance and probation officers of the city and county, city, or county, in which the place of employment is situated, or of the officers of the state bureau of labor statistics.

Employer to keep record of minors employed.

SEC. 10. An age and schooling certificate shall be approved only by the superintendent of schools of the city or county and county, or by a person authorized by him in writing, or where there is no city or city and county superintendent of schools, by a person authorized by the local school trustees: *provided*, that the superintendent or principal of any school of recognized standing shall have the right to approve an age and

Power to issue certificates.

schooling certificate, and shall have the same rights and powers as the superintendent of public schools to issue the certificate herein provided for the children attending such schools. The person authorized to issue age and schooling certificates shall have the authority to administer the oaths necessary for carrying out the provisions of this act, but no fees shall be charged for issuing such certificates.

No fee.

Issued on written request.

An age and schooling certificate shall be issued only upon the written request of the prospective employer of such minor, which written request shall be filed by the person issuing the certificate.

Evidence of age.

An age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the certificate of birth or baptism of such minor, the public register of birth of such minor, or in some other manner, that such minor is of the age stated in such certificate. A duplicate copy of each age and schooling certificate granted under the provisions of this act shall be kept by the person issuing such certificate, such copy to be filed with the county superintendent of schools in the county where the certificate is issued; *provided*, that all such copies of certificates issued between June 25th and December 25th of any year shall be filed not later than December 31st of such year; and those issued between December 25th and June 25th of the ensuing year, shall be filed not later than June 30th of each year. The county superintendent of schools of each county shall file with the commissioner of the bureau of labor statistics, a report showing the number of age and schooling certificates issued to male and female minors and such other detailed information as the commissioner may require. Said report to be filed during the months of January and July of each year for the preceding six months, ending June 25th and December 25th of each year, and cover certificates issued during said periods and on file in the office of the county superintendent of schools as described in this section.

Duplicate kept.

Semi-annual report.

Form of certificate.

SEC. 11. Age and schooling certificates shall be issued on forms which shall be prepared and provided by the commissioner of the bureau of labor statistics of the State of California, and shall be substantially in the following form, to wit:

Age and schooling certificate. This certifies that I am the (father, mother, or guardian) of (name of the minor) and that (he or she) was born at (name of the city or town), in the county of (name of county, if known), and state (or country) of (name) on the day (day and year of birth), and is now (number of years and of months) old.

Signature, as provided in this act.

City or town, and date.

There personally appeared before me the above named (name of person signing) and made oath that the following certificate by (him or her) signed is true to the best of (his or her) knowledge and belief.

I hereby approve the foregoing certificate of (name of minor), height (feet and inches), complexion (fair or dark), hair (color), having no sufficient reason to doubt that (he or she) is of the age therein certified, and I hereby certify that (he or she) (has or has not) completed the prescribed grammar school course.

Signature of the person authorized to sign, with his official character and authority.

Town or city and date.

This certificate belongs to the minor in whose behalf it is drawn and it shall be presented to (him or her) whenever (he or she) leaves the services of the person, firm, or corporation holding the same.

The certificate as to the birthplace and age of the minor under sixteen years of age shall be signed by his father, his mother, or his guardian; if a minor has no father, mother, or guardian living in the same city or town, his own signature to the certificate may be accepted by the person authorized to approve the same. Every person authorized to sign the certificate prescribed by this act, who knowingly certifies to any false statement therein, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five nor more than fifty dollars, or by imprisonment not more than thirty days, or by both such fine and imprisonment.

Signed by father, etc.

Sec. 12. No minor having a permit to work, as described in sections 3, 4, and 5 of this act, and no minor having an age and schooling certificate, as described in sections 9, 10 and 11 of this act, and no other minor under sixteen years of age, who would by law be required to attend school, shall, while the public schools are in session, be and remain idle and unemployed for a period longer than two weeks but must enroll and attend school; *provided*, that within one week after any minor having such a permit to work or such age and schooling certificate shall have ceased to be employed by any employer, such employer shall, in writing, giving the latest correct address of such minor known to such employer, notify the county superintendent of schools of such county, that such minor is no longer employed by such employer; and such county superintendent of schools, shall thereupon immediately notify the attendance officer having jurisdiction in the place of such minor's residence, giving the said latest known correct address of such minor, that such minor is neither at work nor in school; *and provided, further*, that no such minor shall be permitted to cease school attendance, without securing a permit to work, or an age and schooling certificate as provided in this act.

Not to remain idle during school hours.

Sec. 13. Any person, firm, corporation, agent, or officer of a firm or corporation that violates or omits to comply with any of the foregoing provisions of this act, or that employs or suffers or permits any minor to be employed in violation thereof, is guilty of a misdemeanor, and shall, upon

Penalty.

conviction thereof, be punished by a fine of not less than fifty dollars or more than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment, for each and every offense. A failure to produce any age and schooling certificate or permit to work or to post any notice required by this act, shall be prima facie evidence of the illegal employment of any minor whose age and schooling certificate or permit to work is not produced, or whose name is not so posted. Any fine collected under the provisions of this act shall be paid into the school funds of the county, or city, or city and county in which the offense occurred; except such fines imposed and collected as the result of prosecutions by the officers of the bureau of labor statistics. In such cases one half of the resultant fine or fines shall be paid into the state treasury and credited to the contingent fund of the bureau of labor statistics, and one half paid into the school funds of the county, or city, or city and county in which the offense occurred.

Fines
paid into
school
fund.

Agricul-
tural, etc.,
employ-
ment not
prohibited.

Theatres.

SEC. 14. Nothing in this act shall be construed to prohibit the employment of minors at agricultural, horticultural, or viticultural, or domestic labor during the time the public schools are not in session, or during other than school hours. For the purpose of this act, horticultural shall be understood to include the curing and drying, but not the canning, of all varieties of fruit. Nor shall anything in this act be construed to prohibit any minor between the ages of fifteen and eighteen years, who is by any statute or statutes of the State of California, now or hereafter in force, permitted to be employed as an actor, or actress, or performer in a theatre, or other place of amusement, previous to the hour of ten o'clock p.m., in the presentation of a performance, play or drama, continuing from an earlier hour till after the hour of ten o'clock p.m., from performing his or her part in such presentation as such employee between the hours of ten and twelve o'clock p.m.; *provided*, the written consent of the commissioner of the bureau of labor statistics is first obtained. Nor shall anything in this act prevent, or be construed to prohibit, the employment of any minor, whether resident or nonresident, in the presentation of a drama or dramatic play with the written consent of the commissioner of the bureau of labor statistics, but no such consent shall be given unless the officer giving it is satisfied that the environment in which the drama or dramatic play is to be produced is a proper environment for the minor, and that the conditions of such employment are not detrimental to the health of such minor, and that the minor's education will not be neglected or hampered by its participation in such drama or dramatic play, and every such written consent shall specify the name and age of the minor together with such other facts as may be necessary for the proper identification of such minor, and the dates when, and the theatres or other places of amusement in which, such dramas or dramatic plays are to be produced, and shall specify

the dramas or dramatic plays in which the minor is permitted to participate, and every such consent shall be revocable at the will of the officer giving it.

SEC. 15. The bureau of labor statistics shall enforce the provisions of this act. The commissioner, his deputies and agents, shall have all the powers and authority of sheriffs or other peace officers, to make arrests for violations of the provisions of this act, and to serve any process or notice throughout the state.

Duty of
labor
commis-
sioner.

CHAPTER 215.

An act to repeal an act entitled "An act directing the commissioner of the bureau of labor statistics to collect certain statistics, and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this act," approved March 18, 1905.

[Approved June 2, 1913. In effect August 10, 1913.]

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

SECTION 1. An act entitled "An act directing the commissioner of the bureau of labor statistics to collect certain statistics, and present them in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this act," approved March 18, 1905, is hereby repealed.

Repealed.

CHAPTER 216.

An act to amend an act entitled "An act to provide for work upon streets, avenues, lanes, alleys, courts and places forming the exterior boundaries of any municipality, whether partly, or wholly, within or without said boundaries, and providing for the construction of sewers, drains and sidewalks thereon and in connection therewith," approved April 21, 1911, by adding a new section thereto, to be numbered thirty-six, making the provisions of the act applicable to work upon streets forming the boundary line between municipalities.

[Approved June 2, 1913. In effect August 10, 1913.]

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

SECTION 1. The act entitled "An act to provide for work upon streets, avenues, lanes, alleys, courts and places forming the exterior boundaries of any municipality, whether partly, or wholly, within or without said boundaries, and providing for the construction of sewers, drains and sidewalks thereon and in connection therewith," approved April 21, 1911, is

hereby amended by adding thereto a new section, to be known as section 36, and to read as follows:

Improvement of street on boundary line.

Section 36. The provisions of this act shall apply to and authorize the improvement of any street in or along which the boundary line between two municipalities extends. The city councils of such municipalities shall have concurrent jurisdiction of all proceedings under the act to effect the improvement of such streets to the same extent and in the same manner and form as herein provided for the council and the board of supervisors in respect to streets referred to in the act. The council passing the resolution of intention shall thereafter have exclusive jurisdiction of all work and proceedings covered by said resolution, the same as provided in section 3 of the act.

CHAPTER 217.

An act to enlarge the powers of the board of state harbor commissioners, and to authorize said board to locate, construct, maintain, operate and extend public dry-docks and appurtenances thereto, in and about such portion of the bay of San Francisco under its jurisdiction, and to fix, regulate, impose and collect tolls or compensation for and upon the use of the same and to regulate the use therefor.

[Approved June 3, 1913. In effect August 10, 1913.]

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

Dry-docks in San Francisco bay.

SECTION 1. The board of state harbor commissioners is hereby authorized and empowered (in addition to the powers now granted, or which may hereafter be granted to it by law) to locate, construct, maintain, operate and extend public dry-docks in and about such portion of the bay of San Francisco under the jurisdiction as defined in section two thousand five hundred and twenty-four of the Political Code.

Tolls.

SEC. 2. The said board shall fix, regulate, impose and collect tolls or compensation for and upon the use of such public dry-docks and regulate the use thereof.

Disposition of money collected.

SEC. 3. All money collected for tolls as compensation for use of such public dry-docks and all expenditure made in the maintenance and construction thereof shall be subject to the same provision as other moneys collected and expended by the said board.

CHAPTER 218.

An act to regulate the organization of fraternal insurance associations.

[Approved June 3, 1913. In effect August 10, 1913.]

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

Fraternal fire insurance associations.

SECTION 1. Secret, fraternal societies, having lodges, councils or granges in this state, and conducting their business

and securing their membership on the lodge, council or grange system exclusively, and having ritualistic work and ceremonies in their societies, lodges, councils or granges, may form an association of the members of their order or society, binding themselves to contribute to each other's loss by fire.

SEC. 2. Such association shall be formed by filing a verified certificate in the office of the secretary of state and by filing a like certificate in the office of the clerk of each county in which a member has property insured in said association; such certificate shall state generally the objects of the association, and shall state its principal place of business, the names of its officers, who shall be members of said association having property insured therein; such certificates shall be signed by said officers and verified by at least three of them.

Formation.

SEC. 3. An association formed as prescribed in sections one and two of this act may insure the property of its members against loss or damage by fire for an amount not exceeding forty-five hundred dollars on any one risk, and no risk of more than thirty-five hundred dollars shall be binding until risks to the amount of two hundred thousand dollars have been written and all premiums paid thereon, and no risk of more than fifteen hundred dollars shall be binding until risks to the amount of one hundred thousand dollars have been written and all premiums paid thereon, and no risk of any amount shall be binding until risks to the amount of seventy-five thousand dollars have been written and all premiums paid thereon. And no risk shall be written by such association except for members in good standing on the books of the order or society forming the association and a suspension or withdrawal from membership in such order or society will suspend the insurance risk until the member is restored to good standing in said order or society and in said association; *provided*, that a restoration to membership after suspension therefrom shall in no case be construed as extending the term of the risk. No risk written by such association shall be for an amount in excess of seventy-five per centum of the cash value of the property insured, and no concurrent or additional insurance shall be allowed.

Limit on insurance.

For members only.

75% cash value.

SEC. 4. Such association by and in its own name may sue and be sued, may loan such funds as it may have on hand in such manner as its articles of association and its by-laws have provided for; may own sufficient real estate for its business purposes, and such other real estate as may be necessary to purchase on foreclosure of its mortgages; *provided*, such real estate so obtained by foreclosure shall be sold and conveyed within five years from the time title vests in said association.

Powers

SEC. 5. Such association may make such by-laws, not inconsistent with the laws of this state, as may be necessary for its government and for the transaction of its business, and such association merely creating a mutual bond and agreement of its members to participate in each other's loss by fire does not come under the insurance laws of California.

By-laws.

Outside of the requirements of this act, their own regulations and those of the order to which they belong are sufficient.

Obligation to pay pro rata.

SEC. 6. All persons insured shall give their obligation to the association, binding themselves, their heirs and assigns, to pay their pro rata share, proportioned to the amount of insurance in the association held by them, at the time of the loss to the association, of the necessary expenses and of loss by fire which may be sustained by any member thereof during the time for which their respective policies are written, and said policies may be cancelled by either party thereto, in which case settlement or adjustment shall be made in accordance with the terms of the by-laws of the association, and they shall also at the time of effecting the insurance pay such a percentage in cash, and such other charges, as may be required by the rules or by-laws of the association.

Classification of property.

SEC. 7. All such associations must classify the property insured therein at the time of issuing policies thereon under different rates, corresponding as nearly as may be to the greater or less risk from fire loss which may be attached to the several kinds of property insured. No such association shall issue policies of insurance on any property within the limits of cities of the first, first and a half, second, third, fourth, fifth and sixth classes; *provided*, that no dwelling shall be insured within the corporate limits of any city or town exposed by any other building within one hundred feet or by any risk other than a dwelling or private barn within two hundred feet of the risk assured.

Not to insure property in cities.

Ascertainment of loss.

SEC. 8. Such association shall provide in its by-laws for the ascertainment of loss or damage by fire, and for the payment thereof.

CHAPTER 219.

An act to provide for the reforestation, the cutting of fire lanes and fire trails on the Angeles national forest, and to make an appropriation therefor.

[Approved June 3, 1913. In effect August 10, 1913.]

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

Appropriation: forest fire protection, San Bernardino mountains.

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, which money shall be used and expended for the purpose of cutting fire lanes and fire trails to protect the timber now standing or that may be planted upon the San Bernardino mountains, in the State of California.

Contract with U. S. forest service.

SEC. 2. The state board of control is hereby empowered to enter into a contract or contracts with the forest service of the United States government for the purpose of cutting fire lanes and fire trails for the protection of the forest and brush

specified in section one of this act; *provided, however*, that these expenditures for such purposes shall not be in excess of the amount or amounts to be expended by the forestry department of the federal government in collaboration with the specific work named above; *and provided, further*, that in case the forestry department of the federal government above mentioned does not contribute the fund for said co-operation, that the state board of control shall not have power to enter into such contract or contracts with the said department for the expenditure of the said money.

CHAPTER 220.

An act to increase the number of judges of the superior court of the State of California, in and for the county of Orange, to provide for the appointment of an additional judge and for his compensation.

[Approved June 3, 1913. In effect August 10, 1913.]

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

SECTION 1. The number of judges of the superior court of the State of California, in and for the county of Orange, is hereby increased from one to two. Judges
in Orange
county.

SEC. 2. Within ten days after the taking effect of this act the governor shall appoint one additional judge of the superior court of the State of California, in and for the county of Orange, who shall hold office until the first Monday after the first day of January, A. D. nineteen hundred and fifteen. At the next general election to be held in November, 1915, one judge of said court, in addition to the present number provided by law for said county, shall be elected in said county who shall be the successor of the judge appointed hereunder to hold office for the term prescribed by the constitution and by law. Appoint-
ment of
additional.

SEC. 3. The salary of said one additional judge shall be the same in amount, and shall be paid at the same time and in the same manner as the salary of the other judge of the said superior court now authorized by law. Salary.

CHAPTER 221.

An act to amend section eight hundred and fifty-eight of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations."

[Approved June 3, 1913. In effect August 10, 1913.]

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

SECTION 1. Section eight hundred and fifty-eight of an act entitled "An act to provide for the organization, incorporation

and government of municipal corporations" is hereby amended so as to read as follows:

Meetings,
organiza-
tion, etc.,
of trust-
tees.

SECTION 858. The board of trustees shall meet on the Monday next succeeding the date of said general municipal election, shall take the oath of office, shall choose one of their number president, and shall hold regular meetings at least once in each month at such time as they shall fix by ordinance, and may adjourn any regular meeting to a date certain, which shall be specified in the order of adjournment, and when so adjourned, such adjourned meeting shall be a regular meeting for all purposes. Special meetings may be called at any time by the president of the board or by three trustees by written notice delivered to each member at least three hours before the time specified for the proposed meeting; all meetings of the board of trustees shall be held within the corporate limits of the city at such place as may be designated by ordinance and shall be public.

CHAPTER 222.

An act for the relief of purchasers of school lands.

[Approved June 3, 1913. In effect August 10, 1913.]

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

Relief of
school
land pur-
chasers.

SECTION 1. When application has been made to purchase lands from this state and payment of the full purchase price or twenty per cent thereof has been made to the treasurer of the proper county for the same and a certificate of purchase was issued on or after May 1, 1911, to the applicant therefor and such applicant has failed to pay the interest on the unpaid balance of the purchase price of such land, said certificate shall be in full force and effect; *provided*, all interest due on the balance of the purchase price is paid to the proper county treasurer on or before December 31, 1913.

CHAPTER 223.

An act to amend section twenty of an act entitled "An act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889.

[Approved June 3, 1913. In effect August 10, 1913.]

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

SECTION 1. Section twenty of an act entitled "An act to provide for laying out, opening, extending, widening,

straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889, is hereby amended to read as follows:

Section 20. If after the sale of the property for delinquent assessments there should be a deficiency, and there should be unreasonable delay in collecting the same, or if for the purpose of equalizing the assessments supplying a deficiency, or for any cause it appear desirable, the commissioners may so report to the city council, who may order them to make a supplementary assessment and report the same in manner and form as the original, and subject to the same procedure. If by reason of such supplementary assessment, or for any cause, a surplus should remain after all claims against the improvement fund have been paid, the city council may appropriate said surplus and declare a dividend pro rata to the parties paying the same, and they, upon demand, shall have the right to have the amount of such pro rata dividends refunded to them, or credited upon any subsequent assessment for taxes made against said parties in favor of said city; *provided*, the city council may appropriate and transfer the said surplus to the general fund of the fiscal year in which the surplus exists, if said surplus does not exceed five per cent of the total amount expended out of the improvement fund; *and, provided, further*, that said surplus so transferred shall in no case exceed one thousand dollars.

Supplementary assessment to meet deficiency.

Pro rata dividend.

CHAPTER 224.

An act authorizing board of supervisors of any county, or city and county, or the trustees or other governing body of any municipality in the State of California to receive devises, bequests, donations and gifts, also to levy taxes, for the purpose of erecting monuments in memory of California pioneers.

[Approved June 3, 1913. In effect August 10, 1913.]

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

SECTION 1. The board of supervisors of any county, or city and county, or the trustees or other governing body of any municipality, in the state, may receive devises, bequests, donations and gifts, for the purpose of erecting within such county, or city and county, or city, a monument in memory of California pioneers.

Gifts for pioneer monuments.

SEC. 2. When, in the opinion of such board of supervisors or of such trustees or other governing body of a municipality, the devises, bequests, donations and gifts received are sufficient therefor, they may erect such monument.

Erection of monuments.

Question
of tax
levy for
monu-
ments.

SEC. 3. Such board of supervisors, or trustees, or other governing body of a municipality, may submit to the qualified electors of the county, or city and county, or of the city, as the case may be, whether taxes for the erection of a monument to the California pioneers shall be levied on the taxable property of the county, or city and county, or city, as the case may be. The question of levying such tax for such purpose shall be submitted to the qualified electors of the county, or city and county, or municipality, as the case may be, at a general or other election that may be held in such county, or city and county, or municipality. Twenty days' notice thereof shall be previously given by posting in at least three public places in such county, city and county, or municipality. Such notices shall state specifically the amount to be raised and the purpose. If a majority of all the votes cast at such election are in favor of such proposal, the tax herein provided for shall be considered authorized.

Ballots.

SEC. 4. The electors voting at such election shall have placed on their ballots the words "Tax for pioneer monument—Yes" or "Tax for pioneer monument—No."

Levy of
tax in
county.

SEC. 5. When such tax has been voted in a county, or city and county, the board of supervisors in the next annual levy of taxes, shall levy a tax on the property in such county, or city and county, sufficient to produce the amount voted for for the purpose, and the same shall be assessed and collected in the same manner as other taxes are levied and collected.

Levy of
tax in
city.

SEC. 6. When such tax has been voted in a city, the trustee or other governing body thereof in the next annual levy of taxes, shall levy a tax on the property in such city, sufficient to produce the amount voted for for the purpose, and the same shall be assessed and collected in the same manner as other taxes are levied and collected.

Duty of
super-
visors and
trustees.

SEC. 7. The board of supervisors in case of monuments for a county and the trustees or other governing body of a city, in case of monuments for a city, shall when the taxes so raised and collected are available, proceed to carry out the purpose for which the money was voted by the county, or city and county, or city.

CHAPTER 225.

An act to prevent the importation into the State of California of horses, mules, asses, or cattle which are affected with any infectious or contagious disease; to provide for the inspection of such animals before they are brought into the state; to repeal an act entitled, "An act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California," approved March 7, 1911; to repeal an act entitled, "An act to prevent the importation of horses, mules and asses affected with glanders into the State of California," approved March 7, 1911.

[Approved June 4, 1913. In effect August 10, 1913.]

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

SECTION 1. It shall be unlawful for any person, firm, company or corporation, their agents and servants, to bring into the State of California any horses, mules, asses, or cattle, unless such animals have been examined and found free from infectious or contagious diseases, which freedom from disease shall be established by a certificate of health signed by a regularly qualified and practicing veterinarian who is a graduate of a duly recognized and accredited veterinary college of good standing: *provided, however*, that in case of cattle over six months of age intended to be used for dairy or breeding purposes, said certificate of health shall also state and certify that each individual animal thereof has been personally and carefully inspected and subjected to a physical and clinical examination and also subjected to the tuberculin test, and that each individual animal thereof has been found free from any suspicious symptoms of tuberculosis, or of any infectious or contagious disease other than tuberculosis, and also that each individual animal thereof failed to react to the tuberculin test. Said certificate shall also include a complete temperature record of each animal during the period while undergoing the tuberculin test. The certificate of health and tuberculin test record, as provided for in this act, shall be in duplicate, one copy of which must be attached to the waybill of the shipment, and the other copy shall be forwarded to the state veterinarian of the State of California on the day the shipment is made; *provided, further*, that any person, firm, company or corporation, their agents and servants, wishing to bring cattle into the State of California for exhibition at fairs, may, by making application to the state veterinarian of the State of California, receive permission to bring such cattle into the State of California for such purpose without the tuberculin test as provided for herein, but in all such cases said permit must be attached to the waybill accompanying the shipment of such cattle; and *provided, further*, that in case any of such

Importation of diseased stock prohibited.

Cattle over six months.

Exhibition cattle.

Sale of
exhibition
cattle.

exhibition cattle are sold to remain in the State of California, they must be subjected to the tuberculin test and proved free from tuberculosis before being delivered to the purchaser. It is further provided that cattle may be brought into the State of California for the purpose of slaughter for food, as well as for the purpose of fattening for such slaughter, without a certificate of inspection or tuberculin testing, except as may be otherwise provided. In every case where cattle are being brought into the state except as hereinbefore provided there shall also be attached to said certificate of health a certificate signed by the owner, or the consignor or shipper, certifying that no one of such animals had previously reacted to the tuberculin test within three months last past and that no one of such animals had been subjected to any other treatment designed to negative the action of the tuberculin test, and in every case where said cattle are brought into the State of California for the purpose of slaughter for food, or for the purpose of fattening for such slaughter, a certificate signed by the owner shall be attached to said waybill accompanying said shipment, stating correctly the purpose for which said cattle are to be used and where and by whom they are to be so used; and it shall be unlawful for any person, firm or corporation to make any false or incorrect statement as to any of the matters herein required to be set forth in said certificate and if said certificate be attached to said waybill it shall relieve any transportation company, its agents and employees from the penalties prescribed in this act, if said cattle should be brought into this state for purposes other than as set forth in said certificate.

Certificate
signed by
owner.

Penalty.

SEC. 2. Any person, firm, company or corporation, their agents, servants and employees, that shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment in the county jail for a term not exceeding one hundred and eighty days, or by both such fine and imprisonment.

Repealed.

SEC. 3. That certain act of the legislature of the State of California entitled, "An act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California," approved March 7, 1911, is hereby expressly repealed.

Repealed.

SEC. 4. That certain act of the legislature of the State of California, entitled, "An act to prevent the importation of horses, mules and asses affected with glanders into the State of California," approved March 7, 1911, is hereby expressly repealed.

SEC. 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 226.

An act to amend section 1 of an act entitled "An act regulating the hours of labor of conductors, engineers, firemen, brakemen, train dispatchers and telegraph operators employed by any corporation or receiver operating a line of railway, in whole or in part, in the State of California, and presenting penalties for violation of this act" approved April 21, 1911.

[Approved June 4, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1 of an act entitled "An act regulating the hours of labor of conductors, engineers, firemen, brakemen, train dispatchers and telegraph operators employed by any corporation or receiver operating a line of railway, in whole or in part, in the State of California, and presenting penalties for violation of this act, approved April 21, 1911, is amended to read as follows:

Section 1. It shall hereafter be unlawful for any corporation or receiver operating any line of steam, electric railroad, or other railway, in whole or in part, in this state, or any officer, agent or representative of such corporation to require or knowingly permit any conductor, motorman, engineer, fireman, brakeman, train dispatcher, or telegraph operator to be or remain on duty for a longer period than sixteen consecutive hours. And whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty; *provided*, that no operator, train dispatcher, or other employee who by the use of the telegraph or telephone dispatches, reports, transmits, receives or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four hours, in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than thirteen hours in all towers, offices, places and stations operated only during the daytime, except in case of emergency; when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four hour period or not exceeding three days in any week; *provided*, that the provisions of this act shall not apply in any case of casualty or unavoidable accident, or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal, and which could not

Sixteen hours on duty, limit for conductors, etc.

Ten hours off.

Nine hours for train dispatchers, etc.

When not applicable.

have been foreseen; and *provided, further*, that the provisions of this act shall not apply to the crews of wrecking or relief trains.

CHAPTER 227.

An act to create the office of attorney for the state bureau of labor statistics.

[Approved June 4, 1913. In effect August 10, 1913.]

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

Attorney
for state
bureau of
labor
statistics.
Duties.

SECTION 1. The office of attorney for the state bureau of labor statistics is hereby created. Said attorney shall be appointed by the commissioner of the bureau of labor statistics.

SEC. 2. It shall be the duty of such attorney to act for and represent the state bureau of labor statistics and the commissioner thereof in all legal matters which may require the attention of such state bureau of labor statistics and the commissioner thereof, and to specially represent and act for and in co-operation thereof, when required, in the prevention of all acts and things which, in the judgment of the state bureau of labor statistics or the commissioner thereof, as will best subserve and carry out the provisions of an act entitled, "An act to establish and support a bureau of labor statistics," approved March 3, 1883; and also, all other acts which have been or may be hereafter designated by the legislature to be enforced by said state bureau of labor statistics or the commissioner thereof, and in all other matters pertaining to the welfare of minors and labor generally and to assist and aid the said bureau and the commissioner thereof with his advice, and to represent and act for the same in court.

Salary.

SEC. 3. The salary of such attorney shall be twenty-four hundred dollars per annum and shall be paid out of the state treasury, upon warrants drawn by the controller, in the same manner as the salaries of other state officers are paid.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 228.

An act to validate the organization and incorporation of municipal corporations.

[Approved June 4, 1913. In effect August 10, 1913.]

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

Municipal
corporations
validated.

SECTION 1. All municipal corporations, the organization and incorporation of which have been authenticated by an order of a board of supervisors in this state, declaring the same incorporated as municipal corporations of the classes to which such corporations may respectively belong, and a certi-

filed copy of which order has been filed by such board of supervisors in the office of the secretary of state, and which corporations thereafter have acted in the form and manner of municipal corporations under the provisions of "An act to provide for the organization, incorporation and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, and the amendments thereto are hereby declared to be and to have been municipal corporations from the date of filing the certified copy of said order of the board of supervisors with the secretary of state; and all acts of the said municipal corporations heretofore performed according to the act aforesaid, are hereby validated, and declared to be legal; *provided, however,* that all municipal corporations shall be excepted from the operation of this act where the right to act as such is being contested or inquired into in any legal proceeding brought within six months after the certified copy of the order of the board of supervisors was filed in the office of the secretary of state.

Except in cases of contest within six months after organization.

CHAPTER 229.

An act to enlarge the powers of the board of state harbor commissioners, and to authorize said board to locate, construct, maintain, and operate the state railroad and railroad tracks and appurtenances through, over, under and upon state lands, and lands within its jurisdiction or the water front, and city streets, avenues, alleys, lanes, places or property, or lands or property of the United States, or private property, in the city and county of San Francisco, and to obtain licenses, grants, permits or easements or rights of way therefor, and to construct tunnels, bridges, drawbridges and other appurtenances as incident thereto, and to impose tolls or compensation for and upon the use of the same and to regulate the use therefor.

[Approved June 4, 1913. In effect August 10, 1913.]

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

SECTION 1. The board of state harbor commissioners is hereby authorized and empowered (in addition to the powers now granted, or which may hereafter be granted to it by law) to locate, construct, maintain, operate and extend the state railroad, and railroad tracks, through, over, under and upon any state lands, or lands within its jurisdiction, or the water front as defined in section 2524 of the Political Code, or through, over, under and upon any streets, avenues, alleys, lanes, places or property of the city and county of San Francisco, or lands or property of the United States of America, or private property in said city and county of San Francisco, in which and where it may then have a license, permission, easement or right of way therefor, together with all necessary trackage,

Power to build railroads in San Francisco.

switches, spurs, turnouts, fills, cuts, tunnels, trestles, bridges, drawbridges, signals and other appliances, appurtenances and incidents necessary to make the same complete and convenient for use.

Rights
from
Panama-
Pacific
Company.

SEC. 2. The powers conferred by this act shall include:

(1) Power and authority to obtain from Panama-Pacific International Exposition Company, a corporation, an assignment of its rights under an act of congress approved June 28, 1912, entitled, "An act granting a right of way to the Panama-Pacific International Exposition Company, or such successors or assigns as may be approved by the secretary of war, across the Fort Mason military reservation in California."

Approval
of secre-
tary of
war.

(2) Power and authority to obtain the approval of the secretary of war to such assignment, and to locate a railroad and tunnel upon and across said reservation and to ordain regulations therefor and for the use thereof and to obtain the approval of the secretary of war thereto.

Tolls and
charges.

(3) Power and authority to construct such railroad and tunnel upon and across said reservation as a part of and incident to said state railroad and railroad tracks; *provided*, that said board shall impose such tolls, charges and compensation for passage through said tunnel upon all freight and upon all passenger cars passing therethrough (which tolls shall be exclusive of and in addition to the ordinary compensation for the use of said railroad and railroad tracks) as shall provide within a limited time for the repayment of the cost of the construction of such tunnel. Such tolls and charges shall be in conformity with the requirements and subject to the approval of the secretary of war in that behalf and shall be so charged, imposed and collected until the cost of the construction of such tunnel shall have been repaid.

Grants
from
San Fran-
cisco.

(4) Power and authority to obtain from the city and county of San Francisco proper and necessary grants, license or permission to extend, construct, maintain and operate the said state railroad and railroad tracks along, over and upon such public streets, avenues, alleys or property of said city and county of San Francisco as may be necessary for the extension of said state railroad or railroad tracks.

Acquisi-
tion of
rights of
way.

(5) Power and authority to acquire rights of way and lands necessary for such extension from the owners of private property, either by grant or by condemnation proceedings; and in that behalf the provisions of law relating to the exercise of the right of eminent domain shall apply and inure [inure] to the benefit of said board, and to such proceedings.

Use of
road and
tunnel.

(6) Power and authority to permit the passage over and through, and the use of said railroad and tunnel to any corporation or association, person or persons for passenger street cars for such time and under such rules and regulations and at such compensation as said board may determine.

(7) Power and authority to obtain license and permission from the United States government to extend, locate, con-

struct, operate and maintain the said railroad and railroad tracks in and through the Presidio reservation in said city and county in such location and subject to such regulations as may be prescribed by the United States government.

Through
Presidio
reserva-
tion.

SEC. 3. The enumeration of powers contained in section 2 of this act shall not be deemed exclusive or to limit the general powers conferred by section 1 hereof.

CHAPTER 230.

An act to amend an act entitled "An act to provide for the creation of a board of parole commissioners for each county in this state, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto," approved March 25, 1909, by amending section 1 of said act so as to make said act applicable to all jails, and to all prisoners imprisoned for misdemeanor, whether in county jails or in city prisons.

[Approved June 4, 1913. In effect August 10, 1913.]

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

SECTION 1. The act known as chapter 452 of the Statutes of 1909 is amended to read as follows:

Section 1. A board of three parole commissioners for each county in this state, consisting of the sheriff and the district attorney of each said county and the chief of police (or other chief or sole peace officer) of every city which now is or hereafter may be the county seat of any such county, is hereby created for each such county, which board shall and must as a board of parole commissioners for and in each county, and make and establish rules and regulations under which any prisoner who is now or hereafter may be imprisoned in the county jail of said county, or in the city jail of any city in any county, or in any jail as the prisoner of any city, or in any other jail in any such county, after judgment of conviction for the commission of a misdemeanor, may be allowed to go upon parole outside of any jail in which he is or may be hereafter imprisoned, but to remain, while on parole, in the legal custody and under the control of the board of parole commissioners establishing the rule and regulations for his parole, and subject, at any time, to be taken back within the enclosure of any such jail. Full power to make, establish and enforce such rules and regulations, and to retake and imprison any prisoner so upon parole, is hereby conferred upon each such board of parole commissioners: and its written order shall be a sufficient warrant for all officers named in such order to authorize them, or any of them, to return to actual custody any conditionally released or paroled prisoner. It shall be and is hereby made the duty of

County
parole com-
missioners.

Power to
enforce
rules.

Prisoner
who
leaves
county.

all chiefs of police, marshals of cities and villages, sheriffs of counties, constables, and all other police and peace officers of this state to execute any such order in like manner as ordinary criminal process. If any prisoner so paroled shall leave the county in which he was or is or hereafter may be so imprisoned without permission from the board of parole commissioners granting his parole, he shall be arrested as an escaped prisoner and held as such.

To succeed
former
board.

SEC. 2. The board of parole commissioners created by this amendment of said act shall be the successor to and the substitute for the board of parole commissioners specified in section 1 of said act prior to this amendment thereof, and shall have, possess and enforce the powers, rights and duties as to prisoners paroled by such former board, as such former board had, possessed and could enforce. Upon the taking effect of this act, such former board of parole commissioners shall cease to exist.

CHAPTER 231.

An act to amend an act entitled "An act authorizing any incorporated town, city or municipal corporation to permit the construction and maintenance of any state or county highway or boulevard over highways or streets in its incorporated limits, or any portion thereof, by the supervisors or highway commissioners of the county," approved March 19, 1909, and permitting boards of supervisors to construct and maintain such bridge or bridges on such highways or boulevards as they may deem necessary and to permit such boards of supervisors to macadamize or pave or gutter such highway or boulevard, and providing the manner in which the cost and expense thereof shall be paid.

[Approved June 4, 1913. In effect August 10, 1913.]

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

SECTION 1. An act entitled "An act authorizing any incorporated town, city or municipal corporation to permit the construction and maintenance of any state or county highway or boulevard over highways or streets in its incorporated limits, or any portion thereof, by the supervisors or highway commissioners of the county," approved March 19, 1909, is hereby amended to read as follows:

Use of
streets as
part of
highway
system
permitted.

Section 1. Any incorporated city, town or municipal corporation in this state, is hereby authorized and empowered to permit by ordinance the use of its streets and highways by the board of supervisors or highway commissioners of the county, for the purpose of constructing and maintaining thereon any highway or boulevard, as part of a state or county system of roads in such incorporated limits, or any portion thereof; and

the board of supervisors shall have power to construct and maintain such bridge or bridges on such highway or boulevard in such incorporated town or city as such board may deem necessary; and the board of supervisors shall have power to macadamize, or pave, curb or gutter, such highway or boulevard in such manner as it may determine, and the cost or expense thereof shall be paid out of the general fund of the county treasury.

CHAPTER 232.

An act dedicating certain land in the city of Los Angeles for the purpose of widening Vermont avenue, and directing the board of trustees of the state normal school at Los Angeles to convey the same to the city of Los Angeles for that purpose.

[Approved June 5, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby dedicated to the public for the purpose of widening Vermont avenue in the city of Los Angeles, that portion of the school lands of the state normal school at Los Angeles described as follows, to wit: A strip twenty (20) feet in width lying along the west side of and adjacent to Vermont avenue between Monroe street and Willowbrook avenue.

Los Angeles normal school land dedicated for widening Vermont avenue.

SEC. 2. The board of trustees of said state normal school are authorized and directed to deliver to said city of Los Angeles, a conveyance of said described strip of land, to be used for the purpose aforesaid, and to cause the said conveyance to be executed by its president or any member of the board whom they may designate for that purpose, and to be attested by its secretary under the seal of the said board.

Conveyance by board of trustees.

CHAPTER 233.

An act prohibiting the destruction of foodstuffs, food products or food articles.

[Approved June 5, 1913. In effect August 10, 1913.]

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

SECTION 1. It shall be unlawful for any person, firm or corporation to destroy any animal, vegetable or other stuffs, products or articles, in restraint of trade which are customary food for human beings and are in fit sanitary condition to be used as such.

Unlawful to destroy foodstuffs.

SEC. 2. Any person, firm or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor.

Penalty.

meanor and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars, or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

CHAPTER 234.

An act authorizing and empowering any city and county, or county, or city operating under freeholders' charter or otherwise, or any town, or any municipal corporation, in the State of California to donate and grant to the State of California any real property owned by it, or which it may hereafter acquire, within its corporate limits, for a site upon which the State of California may erect public buildings or maintain grounds in connection therewith; and also authorizing and empowering any of the same to use such part of its funds as deemed necessary toward the acquisition of such a site, also authorizing the incurring of indebtedness for any of the purposes aforesaid, and validating, legalizing and ratifying any bonded indebtedness which may be incurred in furtherance of any such purpose, and all of the proceedings leading up to the issuance and the proposed issuance of bonds for any such purpose.

[Approved June 5, 1913. In effect August 10, 1913.]

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

City, etc.,
may grant
site for
state
building.

SECTION 1. Any city and county, or county, or city operating under freeholders' charter or otherwise, or any town, or any municipal corporation, in the State of California, is hereby authorized and empowered to donate and grant to the State of California any real property owned by it or which it may hereafter acquire within its corporate limits for a site upon which the State of California may erect public buildings or maintain grounds in connection therewith.

May use
funds to
acquire
site.

SEC. 2. Any city and county, or county, or city, operating under freeholders' charter or otherwise, or any town, or any municipal corporation, in the State of California, is hereby authorized and empowered to donate and grant to the State of California any real property owned by it or which it may hereafter acquire within its corporate limits for a site upon which the State of California may erect public buildings or maintain grounds in connection therewith and is hereby authorized and empowered to use such part of its funds as deemed necessary toward the acquisition of a site within its corporate limits, upon which the State of California may erect public buildings or maintain grounds in connection therewith. Any city and county, or county or city operating under freeholders' charter, or otherwise, or any town or any municipal corporation in the State of California, is hereby authorized and empowered to incur indebtedness for any of the purposes mentioned in this act. Where an election has been held in accordance

May incur
indebt-
ness.

with the laws of the state in any such city and county, or county or city operating under freeholders' charter, or otherwise, or any town or any municipal corporation in the State of California, and the necessary two thirds of all the qualified electors voting thereat shall have voted in favor of incurring an indebtedness for any of the purposes specified in this act, all the proceedings leading up to the issuance and the proposed issuance of bonds for any such purpose are hereby legalized, ratified and declared valid to all intents and purposes, and the power to issue such bonds is hereby confirmed, and all bonds that may be sold, in accordance with the provisions of law for not less than their par value, are hereby declared to be legal and valid obligations of and against the city and county, or county or city operating under freeholders' charter, or otherwise, or any town or any municipal corporation in the State of California, is hereby pledged for the prompt payment and redemption of the principal and interest of such bonds, in accordance with the provisions thereof; *provided*, that this act shall not operate to legalize any bonds which have been sold for less than their par value, or any bonds which have not, at the time this act shall take effect, been authorized by not less than two thirds of the qualified electors of such city and county, or county or city operating under freeholders' charter, or otherwise, or any town or any municipal corporation in the State of California voting at such election.

Bonds
validated.

Bonds not
to be sold
at less
than par.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 235.

An act to provide for the issuance and sale of state bonds to be known as "state building bonds," to provide a fund for the erection and equipment of state buildings in the city of Sacramento for state purposes, creating a commission to determine the amount to be expended for furnishing and equipping said buildings and accepting a suitable site, creating a sinking and interest fund for the payment of interest on said bonds and the redemption of the same, making an appropriation therefor, making an appropriation of five thousand dollars for the expenses of printing and lithographing said bonds and providing for the submission of this act to a vote of the people.

*Sacramento
Relig 1913
Bonds*

[Approved June 5, 1913. In effect August 10, 1913.]

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

SECTION 1. For the purpose of creating and providing a fund for the indebtedness hereby authorized to be incurred,

Bonds
for state
buildings.

as hereinafter provided, the state treasurer shall immediately after the issuance of the proclamation of the governor, provided for in section ten hereof, prepare six thousand suitable bonds of the State of California, in the denomination of five hundred dollars each. The whole issue of said bonds shall not exceed the sum of three million dollars, and said bonds shall bear interest at the rate of four per centum per annum from the date of issuance thereof, and both principal and interest shall be payable in gold coin of the present standard of value, and they shall be payable at the office of the state treasurer, at the expiration of fifty years from their date. Said bonds shall bear date the second day of July, 1915, and shall be payable on the second day of July, 1965. The interest accruing on such of said bonds as are sold shall be due and payable at the office of the state treasurer on the second day of January and on the second day of July of each year after the sale of the same. At the expiration of fifty years from the date of said bonds all bonds sold shall cease to bear interest, and the state treasurer shall call in, forthwith pay and cancel the same out of the moneys in the sinking and interest fund provided for in this act. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer, and the said bonds shall be so signed, countersigned, and endorsed by the officers who are in office on the second day of July, 1915, and each of said bonds shall have the seal of the state impressed thereon. The said bonds signed, countersigned, endorsed and sealed as herein provided when sold shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person signing, countersigning and endorsing, or any or either of them, shall have ceased to be the incumbents of such office or offices.

Three million dollars.
Interest.

Run fifty years.

How signed.

Interest coupons.

Accrued interest not paid to purchaser.

Appropriation.

Sale of bonds.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said bonds shall be consecutively numbered, and shall bear the lithographed signature of the state treasurer who shall be in office on the second day of July, 1915. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

SEC. 3. The sum of five thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the expenses that may be incurred by the state treasurer in having said bonds prepared.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be sold by the state treasurer at public auction to the highest bidder for cash in such parcels and numbers as shall be directed by the governor

of the state; but the state treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date and he may, by public announcement, at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. When a sale is continued, as hereinabove provided, no notice need be given other than the public announcement of the continuance, as hereinabove provided. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons which have matured before the date fixed for such sale. (Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in one newspaper published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale.) In addition to the notice last above provided for the state treasurer must give such further notice as he may deem advisable, but the expenses and costs of such additional notice shall not exceed five hundred dollars for each sale so advertised. The costs of such publications shall be paid out of any moneys in the state treasury not otherwise appropriated on controller's warrants duly drawn for such purpose. The proceeds of the sale of such bonds, except such amount as may have been paid as accrued interest thereon, shall be forthwith paid over by said treasurer into the state treasury, and must be by him kept in a separate fund, to be known and designated as the "state buildings fund" which fund is hereby established. Any and all sums which may have been paid as accrued interest shall be forthwith paid over by said treasurer into the state treasury, and must be by him kept in a separate fund to be known and designated as the "state buildings sinking and interest fund," which fund is hereby established.

Published
notice.

Further
notice.

"State
buildings
fund."

SEC. 5. Any and all moneys derived from the sale of the bonds provided for in this act are hereby appropriated and shall be used exclusively for the following purpose to wit:

To con-
struct
state
buildings
in Sac-
ramento.

The constructing and equipping of state buildings in the city of Sacramento, State of California, for the various officers, boards and commissions of the state, at a cost not to exceed the total sum of three million dollars, such portion of said sum of three million dollars to be used for the furnishing and equipping of said state buildings as may be determined by a board consisting of the governor, the presiding justice of the supreme court, and the state librarian, which board for such purpose is hereby created; provided, however, that no moneys provided for by this act shall be used for such purpose until a site suitable for such purpose, and accept-

Board.

Site to be
doubted.

able to the state board last above created, shall be donated or given to the state, the title thereto to be free and clear of all liens and encumbrances; the number of buildings and their location on the lands to be donated shall be determined by said board in this subdivision of this section mentioned; the plans and specifications for said buildings, and each of the same, shall be prepared under the direction and control of said board in this subdivision of this section provided for.

Annual
principal
appropriation.

SEC. 6. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of fifty thousand (50,000) dollars annually, to pay the principal of the bonds issued and sold pursuant to the provisions of this act. Said annual appropriation to continue until the same, together with the accrued interest on the investment thereof, shall be sufficient to pay the principal of said bonds at the maturity thereof.

Annual
interest
appropriation.

There is also hereby appropriated from any moneys in the state treasury not otherwise appropriated such sum annually as will be necessary to pay the interest on the bonds issued and sold pursuant to the provisions of this act.

State
revenue
to be
collected.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the other revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

Semi-
annual
transfer of
funds.

On the 2d day of January and on the 2d day of July of each year, after the sale of any bonds as herein provided for, the state treasurer and state controller shall transfer from the moneys hereby appropriated to the state buildings sinking and interest fund, a sufficient sum of money to pay all interest due and payable on any bonds sold and said transfer shall continue to be so made up to the date of maturity of such bonds and it shall be the duty of the state treasurer to pay the same when the same falls due. On the first Monday in July of each year, after the sale of any of the bonds as in this act provided the state controller and state treasurer are hereby authorized and directed to transfer the moneys hereby appropriated for the payment of the principal of said bonds to the said state buildings sinking and interest fund. The moneys so transferred to the said state buildings sinking and interest fund for the payment of the principal of said bonds, shall be invested from time to time by the state treasurer in United States or state bonds. All interest payable on such bonds so invested shall be paid into the said state buildings sinking and interest fund and be applied and held for the payment of the principal of said bonds or reinvested in other bonds for the payment of such principal, as herein provided.

Investment
of funds.

Payment
of principal
and interest.

The principal of all of said bonds sold shall be paid at the time the same becomes due, from the "state buildings sinking

and interest fund" and the interest on all bonds sold shall be paid at the time said interest becomes due from said fund and the faith of the State of California is hereby pledged for the payment of the principal of said bonds so sold and the interest accruing thereon.

The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Annual report of controller and treasurer to governor.

SEC. 7. When the bonds provided for by this act are redeemed, the state treasurer shall mark the same cancelled, and shall, in the presence of the governor destroy the same by burning the said bonds.

Redeemed bonds destroyed.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, 1914, as to all its provisions excepting those relating to and necessary for its submission to the people, and for returning, canvassing and proclaiming the votes, and as to said excepted provisions this act shall go into effect ninety days after the final adjournment of the session of the legislature passing the same.

In effect December 31, 1914.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election to be holden in the month of November, nineteen hundred and fourteen, and all ballots at said election shall have printed thereon the words "For the state's buildings bonds" and such other designation as may be necessary to properly identify this act. In a square immediately below the square containing said words there shall be printed on said ballot the words "Against the state buildings bonds." Opposite the words "For the state buildings bonds" and "Against the state buildings bonds," there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against this act, and those voting for said act shall do so by placing a cross opposite the words "For the state buildings bonds" and those voting against said act shall do so by placing a cross opposite the words "Against the state buildings bonds." The governor of this state shall include the submission of this act to the people as aforesaid, in his proclamation calling for said general election.

Submitted to people.

Ballots.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rule as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal

Canvass of votes.

and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if the majority of the votes cast aforesaid are against this act then the same shall be and become void.

CHAPTER 236.

An act to amend section twelve of an act entitled "An act to provide for the formation and establishment of boulevard districts; the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an act entitled 'An act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard,' approved March 22, 1905, and the act amendatory thereof, approved April 15, 1909;" approved May 1, 1911, said amendment pertaining to the definition of the term boulevard, and use of said boulevards.

[Approved June 5, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 12 of the act entitled "An act to provide for the formation and establishment of boulevard districts: the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds; and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within such district: providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an act entitled 'An act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard,' approved March 22, 1905, and the act amendatory thereof, approved April 15, 1909;" approved May 1, 1911, is hereby amended to read as follows:

12. Any boulevard constructed under this act may be constructed over, along or upon any county road or public highway, or any part thereof, and the moneys belonging to such

Boulevard
may be
constructed
on country
road.

boulevard district may be expended in the improvement of such road or highway to conform to the width and general character of the balance of the boulevard. By the term "boulevard" as used herein is meant a highway of limited dedication and use, not less than thirty, and not more than one hundred feet in width, and upon, along, and over which, when the same is less than sixty feet in width no railroad, electric road, or street railroad shall be constructed or operated, or on any portion thereof; and no franchise for the same, or for telephone, telegraph or electric wires or poles thereon, shall be granted; and any easements granted or condemned for the building of said boulevard shall be so granted or condemned; *provided*, that nothing herein shall be deemed to apply to or as preventing the granting of such franchise or limiting the use of wagons across said boulevard, on, over and along intersecting streets and highways.

"Boulevard" defined.

CHAPTER 237.

An act to amend section two thousand two hundred and eighty-seven of the Civil Code of the State of California, relating to vacant trusteeships filled by the court.

[Approved June 5, 1913. In effect August 10, 1913.]

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

SECTION 1. Section two thousand two hundred and eighty-seven of the Civil Code of the State of California is hereby amended to read as follows:

2287. The superior court must appoint a trustee whenever there is a vacancy, and the declaration of trust does not provide a practical method of appointment. In all cases of appointment of any trustee or trustees by any court, if the *cestui que trustent*, or any one of them are of the age of fourteen years, they, or the one or more of them of the age of fourteen years, may make nomination to the court, and unless such nominee or nominees are incompetent, upon one or more of the grounds of incompetency specified in section 1350 of the Code of Civil Procedure of California, to discharge the duties of trustee, the court must appoint such nominee, or nominees, as trustee, or trustees as the case may be.

Appointment of trustee by court to fill vacancy.

CHAPTER 238.

An act to amend section one of an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893."

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one of an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," is hereby amended to read as follows:

Statement
of cam-
paign
expenses.

Names
of con-
tributors.

Disclaimer
of respon-
sibility.

Filed with
secretary
of state.

With
county
clerk.

Section 1. Every candidate who is voted for at any public election held within the state shall, within fifteen days after the day of holding such election, file, as hereinafter provided, an itemized statement, showing in detail all moneys paid, loaned, contributed, or otherwise furnished to him, or for his use, directly or indirectly, in aid of his election, and all money contributed, loaned, or expended by him, directly or indirectly by himself or through any other person, in aid of his election. Such statement shall give the names of the various persons who paid, loaned, contributed, or otherwise furnished such moneys in aid of his election, and the names of the various persons to whom such moneys were contributed, loaned or paid, the specific nature of each item, the service performed, and by whom performed, and the purpose for which the money was expended, contributed or loaned. If the candidate seeks to avoid the responsibility of any illegal payment made by any other person in his behalf, he shall set out such illegal payment and disclaim responsibility therefor. Candidates for office to be filled by the electors of the state, or of any political division thereof greater than a county, and for members of the senate and assembly, representative in congress, or members of the state board of equalization, or state board of railroad commissioners, shall file their statements in the office of the secretary of state. Candidates for all other offices shall file their statements in the office of the clerk of the county wherein the election is held, and within which the duties of the office for which the candidate is voted for are to be exercised. The statement of a committee or candidate shall be recorded in the office of the county recorder, and shall, after being filed, become a public record, and open at all times to public inspection and no fee or charge whatsoever shall be

collected or made by any officer herein specified for filing or recording any statement required to be filed or recorded under the provisions of this act. Vouchers must be filed for all expenditures, except in the case of sums under five dollars. Vouchers.

CHAPTER 239.

An act to provide for the payment of municipal bonds before maturity.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The legislative body of any municipality of this state proposing to incur indebtedness by the issuance of bonds may, in the ordinance or resolution authorizing the issuance of such bonds and prescribing the manner in which the same shall be payable, also provide that a certain portion of such bonds, to be determined and specified in such ordinance or resolution, will be paid by the municipality each year after the incurring of such bonded indebtedness and prior to maturity of such portion of said bonds, at the option of the holders thereof, subject, however, to the conditions hereinafter prescribed. Such advance payment of bonds shall be in addition to and exclusive of the payment, at maturity, of bonds of the same issue. Payment of bonds before maturity.

SEC. 2. The legislative body of the municipality shall, in the ordinance or resolution wherein provision is made for the payment, prior to maturity, of bonds of such municipality, also prescribe the method or procedure for determining the particular bonds to be so paid, and the manner in which the same shall be so payable, and also fix the amount to be paid by the municipality in lieu of interest on such bonds accrued but not due at the time of the payment of the bonds, which amount shall not exceed the amount of such accrued interest. Determination of bonds to be paid.

SEC. 3. In case provision shall be made for the payment of bonds of a municipality in advance of the maturity thereof, as hereinabove prescribed, such municipality, through its proper officers, shall levy and collect each year, until all such bonds are paid, or until there shall be a sum in the treasury of such municipality, set apart for that purpose, to meet all sums due or to become due on the principal of such bonds, a tax which, with any other funds in such treasury, set apart for the purpose, shall be sufficient to pay the portion of such bonds which may become payable, under the terms of the ordinance or resolution aforesaid, before the maturity thereof and prior to the time for fixing the next general tax levy. The taxes herein required to be levied and collected shall be in addition to all other taxes levied and collected for municipal purposes and for meeting payments on the principal and interest of such bonded indebtedness as they fall due, and shall be levied and collected. Tax to meet such payment.

at the time and in the same manner as other municipal taxes are levied and collected, and be used for the purpose of paying bonds prior to the maturity thereof, as hereinabove provided, and for no other purpose.

From what
fund pay-
able.

SEC. 4. The amount fixed by such legislative body to be paid in lieu of interest, accrued but not due, on bonds, as provided in section two of this act, shall be paid by the municipality out of the fund provided in its treasury for meeting sums coming due for interest on such bonds, and, at the time of the payment of such bonds, said amount, together with all interest due and unpaid thereon, shall be paid by the municipality upon presentation and surrender of all outstanding coupons for interest on such bonds.

CHAPTER 240.

An act authorizing municipalities of the fifth and sixth classes to declare weeds growing upon public streets to be a nuisance, providing a means for the abatement of said nuisance, and collecting the cost of removing such weeds from the owners of abutting land.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Weeds on
streets.
nuisance.

SECTION 1. Municipalities of the fifth and sixth classes of the state are hereby authorized to declare all weeds growing upon any public street including the sidewalks thereon in such municipalities to be a public nuisance, to abate such nuisance in the manner herein provided and to collect the cost of removing such weeds from the street from the owners of abutting land thereon.

Resolution
by city
trustees.

SEC. 2. The legislative body of any municipality of the fifth and sixth classes whenever weeds are growing upon any street in such municipality, may, by resolution adopted by such legislative body, declare the same to be a nuisance, which said resolution shall specify the street or streets or any portion of said street upon which such nuisance exists; such resolution shall direct the superintendent of streets or person performing the duties of street supervision, to give the notice required by the section succeeding hereto.

Publi-
cation not
necessary.

SEC. 3. The resolution may be passed at the meeting in which it is first introduced, and without publication thereof, and the superintendent of streets shall cause to be immediately posted along the line of street or streets or portion of streets named in such resolution, a notice substantially in the following form:

Notice to
be posted.

NOTICE TO DESTROY WEEDS.

The board of trustees of the city of _____
having on the _____ day of _____, declared by

resolution that all weeds growing on ----- street, or portion of ----- street, in said city, are a public nuisance, and having commanded the abatement of the same,

Notice is hereby given to all owners of property fronting upon the street above named, in front of which property such nuisance exists, to abate the same within ten (10) days from the date of this notice by the removal of such weeds.

Upon failure to abate the same as herein required such weeds will be removed by the municipal authorities of said city, and the cost of such removal will be made a legal charge against the owner of the land abutting the street on the side of the street, on which side said weeds were removed, in favor of the city of ----- and said city may collect the cost of removing said weeds from the owner of said land by an action brought in the recorder's court of said city.

Dated this ----- day of -----

 Superintendent of streets of city
 of -----

The above notice shall be posted along the line of the street or portions of street named therein, at intervals of not less than fifty feet. and said notices shall be posted for ten (10) days prior to the time stated therein as the time at which failure to abate such nuisance will give these municipal authorities the right to abate the same. where posted.

SEC. 4. If upon the expiration of ten (10) days after the posting of the notice required to be given by the preceding section, the owner or owners of real property fronting the street named therein, in front of which such nuisance exists, fails or neglects to abate the same, it shall be the duty of the superintendent of streets of such city to abate the same by the removal of such weeds. He shall keep an account of the cost of abating such nuisance in front of each separate lot or parcel of land fronting such street, including the cost of printing the notices, particularly specifying the cost of abatement to be charged against each such separate lot or parcel of land. He shall file such statement or account with the legislative body of the city, and such legislative body shall pay such cost out of the general fund of such municipality. The superintendent of streets thereupon shall send a notice by mail to said owners of lots or parcels of land in front of which said weeds have been removed by the municipal authorities, demanding the payment of the amount of the cost of removing said weeds, and if said owner does not pay the same within ten days after the date of said notice demanding the payment of said costs of removal of said weeds said city may institute an action against said owner of land for the collection at law of said costs of removal of weeds in the recorder's court of the city where said weeds were removed. After ten days street superintendent to remove weeds.

SEC. 5. This act shall take effect immediately. Notice to owner of cost.

CHAPTER 241.

An act to amend section 650 of the Civil Code of the State of California, relating to the terms and powers of the trustees of colleges and seminaries of learning.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. Section six hundred and fifty of the Civil Code of the State of California is hereby amended to read as follows:

Classification of trustees.

650. Unless otherwise provided in the articles of incorporation the board of trustees shall, as soon as organized, so classify themselves that one fifth of their number shall go out of office every year, and thereafter the trustees shall hold office for five years. A majority of the trustees shall constitute a quorum for the transaction of business, except where the number of trustees exceeds thirteen they may, in the by-laws, provide that not less than seven shall constitute a quorum. The office of the corporation shall be at the college or seminary or at such place as shall be designated by the board of trustees.

Quorum.

Powers.

The trustees shall have the power:

1. To elect, by ballot, annually one of their number as president of the board.
2. Upon the death, removal out of the state, or other vacancy in the office, or expiration of the term of any trustee, to elect another in his place who shall hold office for the time and under the conditions prescribed in the by-laws of the corporation; *provided*, that where there are graduates of the institution, such graduates may, under such rules as the board shall prescribe, nominate persons to fill vacancies in the board of trustees. Such nominations shall be considered by the board, but it may reject any or all such nominations, and of its own motion appoint others.
3. To elect additional trustees; *provided*, the whole number elected shall never exceed thirty at any one time.
4. To declare vacant the seat of any trustee who shall absent himself from eight succeeding meetings of the board.
5. To receive and hold, by purchase, gift, devise, bequest, or grant, real or personal property for educational purposes connected with the corporation, or for the benefit of the institution.
6. To sell, mortgage, lease and otherwise use and dispose of the property of the corporation in such manner as they shall deem most conducive to the prosperity of the corporation.
7. To direct and prescribe the course of study and discipline to be observed in the college or seminary.
8. To appoint a president of the college or seminary, who shall hold his office during the pleasure of the trustees.
9. To appoint such professors, tutors, and other officers as

they shall deem necessary, who shall hold their offices during Powers. the pleasure of the trustees.

10. To grant such literary honors as are usually granted by any university, college, or seminary of learning in the United States and in testimony thereof to give suitable diplomas under their seal, and the signature of such officers of the corporation and the institution as they shall deem expedient.

11. To fix salaries of the president, professors, and other officers and employces of the college or seminary.

12. Subject to the consent and approval of the organization, society or church to which it is required by the articles of incorporation that said trustees shall belong, to make all by-laws and ordinances necessary and proper to carry into effect the preceding powers and necessary to advance the interests of the college or seminary; *provided*, that no by-laws or ordinances shall conflict with the constitution or laws of the United States, or of this state.

CHAPTER 242.

An act to amend section one thousand five hundred and seventy-six of the Political Code of the State of California, relating to cities constituting separate school districts and to the annexation of additional territory thereto.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one thousand five hundred and seventy-six of the Political Code of the State of California is hereby amended to read as follows:

1576. Every city or incorporated town, except cities and towns of the sixth class, unless subdivided by the legislative authority thereof, shall constitute a separate school district, which shall be governed by the board of education or board of school trustees of such city or incorporated town; *provided*, that whenever a city or town shall be incorporated, except a city or town of the sixth class, the board of supervisors of the county may annex thereto, for school purposes only, the remainder, or any part of the remainder, of the district or districts from which such city or incorporated town was organized, whenever a majority of the heads of families residing therein, shall petition for such annexation; *and provided, further*, that the board of supervisors may include more territory than the remainder of the district or districts from which the city or incorporated town was organized, whenever a petition for such purpose is presented to them, signed by a majority of the heads of families residing in such additional territory. When said remainder or part thereof, or said additional outside territory, has been annexed to said city or incorporated town, it shall be deemed a part of said city or incorporated town for the purpose

Each city separate school district.

Annexation of territory.

Deemed part of city for election purposes.

of holding the general municipal election, and shall form one or more election precincts, as may be determined by the legislative authority of said city or incorporated town, the qualified electors of which shall vote only for the board of education, or the board of school trustees; and such outside territory shall be deemed to be a part of said city or incorporated town for all matters connected with the school department thereof, for the annual levying and collecting of the property tax for the school fund of said city or incorporated town; and for all purposes specified in sections one thousand eight hundred and eighty to one thousand eight hundred and eighty-eight of this code, inclusive; *provided, however*, that the last assessment roll made by the county assessor shall be the only basis of taxation for such school district on the property outside the corporate limits so annexed for school purposes.

CHAPTER 243.

An act to amend sections two, three, ten, twelve and fifty-five of an act entitled, "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and adding a new section to said act to be known as section 12 1-1, relating to re-assessments.

[Approved June 6, 1913. In effect August 10, 1913.]

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

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

Section 2. Whenever the public interest or convenience may require, the city council is hereby authorized and empowered to order the whole or any portion, either in length or width, of any one or more of the streets, avenues, lanes, alleys, courts, places, boulevards, highways, crossings, intersections or public ways of any such city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, oiled or recoiled, and to order the construction or reconstruction therein of sidewalks, crosswalks, culverts, bridges, gutters, curbs, steps, parkings and parkways, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes or either or both thereof, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances, pipes, hydrants and appliances for fire protection, tunnels, viaducts, conduits and subways,

City
council
may order
streets im-
proved.

breakwaters, levees, bulkheads and walls of rock or other material to protect the same from overflow or injury by water, and poles, posts, wires, pipes, conduits, lamps and other suitable or necessary appliances for the purpose of lighting the same, the planting of trees thereon, and the construction or reconstruction in, over or through property or rights of way owned by such city, of tunnels, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes or either or both thereof, with necessary outlets, cesspools, man-holes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances, pipes, hydrants and appliances for fire protection and breakwaters, levees, bulkheads and walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways and other property in any such city, from overflow by water, and to order any work to be done which shall be deemed necessary to improve the whole or any portion of such streets, avenues, sidewalks, lanes, alleys, courts, places or public ways or property or rights of way of such city, including the acquisition, construction, reconstruction, extension, maintenance or repair of any public utility owned or proposed to be acquired by any municipal corporation, or the pipes, wires, conduits and other appliances and appurtenances for the operation thereof; *provided*, that such acquisition of any public utility already installed, and any of the appliances and appurtenances thereof shall not be included in the same proceeding with any of the other improvements mentioned in this section.

Acquisition of public utility.

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

Section 3. Before ordering any work done or improvement made, which is authorized by section 2 of this act, the city council shall pass a resolution of intention so to do, and describing the work, which shall be posted conspicuously for two days on or near the chamber door of said council, and published by two insertions in one or more daily, semi-weekly or weekly newspapers published and circulated in said city and designated by said council for that purpose. Whenever the construction of culverts, bridges, gutters, curbs, steps, parkings and parkways, sewers, ditches, drains, conduits and channels for sanitary and drainage purposes, or either or both thereof, together with appurtenances, pipes, wires, conduits and other appliances and appurtenances, constitutes the work or improvement or any portion thereof mentioned in the resolution of intention, such resolution of intention shall be sufficient if it mentions the fact that the construction of said improvements, or such of them as it be desired to have done in the work or improvement, is embraced in the said work or improvement, briefly describes the same and refers to plans and specifications on file with the city engineer or city clerk for particulars. The street superintendent shall, after the passage of the resolution of intention, cause to be conspicuously posted along all streets and parts of streets or other public places and rights of way where any work is to be done or improvement made

Resolution of intention.

Publication.

Notices posted.

at not more than three hundred (300) feet apart but not less than three in all, or when the work to be done is only upon an entire crossing or any part thereof, in front of each quarter block and irregular block liable to be assessed, notices of the passage of said resolution. Said notices shall be headed "Notice of Street Work," in letters of not less than one inch in length, and shall, in legible characters, state the fact of the passage of the resolution, its date and briefly describe the work or improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice similar in substance, to be published by two insertions in one or more daily newspapers published and circulated in said city, and designated by said city council, or in cities where there is no daily newspaper by one insertion in a semi-weekly or weekly newspaper so published, circulated and designated. In case there is no such paper published in said city, said notice shall be posted for six days on or near the chamber door of said council, and in two other conspicuous places in said city, as hereinafter provided. The city clerk shall immediately upon the passage of said resolution of intention mail, postage prepaid, to each property owner whose property is to be assessed to pay the costs and expenses of said improvement at his last known address as the same appears upon the tax rolls of said city, or when no address so appears, to the general delivery, a postal card containing a notice which shall be in the following or substantially the following form (filling blanks):

"You are hereby notified that on the ----- day of -----, 19--, the council of the city of -----, California, by virtue of an act commonly known as 'the Vrooman act,' passed a resolution of intention providing for the improvement of ----- street between ----- street and ----- street. You are hereby referred to the said resolution for further particulars. Property belonging to you is to be assessed for this improvement.

----- City Clerk."

If any lots or parcels of land in the assessment district be assessed to "unknown owners" on the tax rolls of said city, no postal cards containing such notice need be mailed to the owners thereof. The city clerk shall, upon the completion of the mailing of said postal cards, file in the office of the superintendent of streets an affidavit setting forth the time and manner of the compliance with this requirement; *provided*, that the failure of the city clerk to mail said cards, or the failure of the property owners to receive the same, or the failure of the superintendent of streets to post the notices of street work, shall in no wise affect the validity of the proceedings or prevent the city council from acquiring jurisdiction to order the work; *provided, however*, that the city council may require affidavits to be filed showing the posting and mailing of notices before it adopts the resolution ordering the work. The owners of a majority of the frontage of the property fronting on said proposed work or improvement where the same is for

Notice published.

Notice mailed to property owners.

Form of postal card.

Unknown owners.

Validity of proceedings.

Objection of owners.

one block or more, may make a written objection to the same within ten days after the expiration of the time of the publication and posting of said notice, which objection shall be delivered to the clerk of the city council who shall indorse thereon the date of its reception by him, and such objections so delivered and indorsed shall be a bar for six months to any further proceedings in relation to the doing of said work or making said improvements, unless the owners of one half or more of the frontage, as aforesaid, shall meanwhile petition for the same to be done. At any time before the issuance of the assessment roll, all owners of lots or lands liable to assessment therein, who, after the first publication of said resolution of intention, may feel aggrieved, or who may have objections to any of the subsequent proceedings of said council in relation to the performance of the work mentioned in said notice of intention, shall file with the clerk a petition of remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object; such petition or remonstrance shall be passed upon by the said city council, and its decision therein shall be final and conclusive. But when the work or improvement proposed to be done is the construction of sewers, manholes, culverts, or cesspools, crosswalks, or sidewalks, curbs and gutters, and the objection thereto is signed by the owners of a majority of the frontage liable to be assessed for the expense of said work, as aforesaid, the city council shall, at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The city clerk shall thereupon notify the persons making such objections, by depositing a notice thereof in the postoffice of said city, postage prepaid, addressed to each objector, or his agent, when he appears for such objector. At the time specified said city council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive, and the said bar for six months to any further proceedings shall not be applicable thereto. And when not more than two blocks, including street crossings, remain ungraded to the official grade, or otherwise unimproved, in whole or in part, and a block or more on each side upon said street has been so graded or otherwise improved, or when not more than two blocks at the end of a street remain so ungraded or otherwise unimproved, said city council may order any of the work mentioned in this act to be done upon said intervening ungraded or unimproved part of said street, or at the end of a street, and said work upon said intervening part, or at the end of a street, shall not be stayed or prevented by any written or other objection unless such council shall deem proper. And if one half or more in width or in length, or as to grading, one half or more of the grading work of any street lying and being between two successive main street crossings, or if a crossing has been already partially graded or improved as aforesaid, said council may order the remainder improved, graded or otherwise, notwithstanding such objections of property owners. At the expiration of twenty days after the expiration of the

Petition
of remon-
strance.

Hearing
on
objections.

When
not more
than two
blocks
remain
unim-
proved.

Jurisdiction
deemed
acquired.

Plans
and specifications.

Expense
may be
charged
against
a district.

Objections

Hearing.

time of said publication by said street superintendent, and at the expiration of twenty-five days after the advertising and posting, as aforesaid, of any resolution of intention, if no written objection to the work therein described has been delivered, as aforesaid, by the owners of a major frontage of the property fronting on said proposed work or improvement, or if any written objection purporting to be signed by the owners of a major frontage is disallowed by said council, as not of itself barring said work for six months, because in its judgment, said objection has not been legally signed by the owners of a majority of said frontage, the city council shall be deemed to have acquired jurisdiction to order any of the work to be done, or improvement to be made, which is authorized by this act; which order, when made, shall be published for two days, the same as provided for the publication of the resolution of intention. Before passing any resolution for the construction of said improvements, plans and specifications and careful estimates of the costs and expenses thereof shall be furnished to said city council, if required by it, by the city engineer of said city; and for the work of constructing sewers, specifications shall always be furnished by him. Whenever the contemplated work or improvement in the opinion of the city council, is of more than local or ordinary public benefit, or whenever, according to estimates to be furnished by the city engineer, the total estimated costs and expenses thereof would exceed one half the total assessed value of the lots and lands assessed, if assessed upon the lots or land fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for municipal purposes, and allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the city council may make the expense of such work or improvement chargeable upon a district, which said city council shall, in its resolution of intention, declare to be assessed to pay the costs and expenses thereof. Said resolution of intention shall in general terms describe the said district and refer to a plat or map approved by the city council, which shall indicate by a boundary line the extent of the territory to be included in said assessment district, which plat or map shall be on file in the office of the city engineer before said superintendent of streets shall proceed with the publication and posting of the notices of street work, and shall govern for all details as to the extent of the said assessment district. Objections to the extent of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the cost and expenses thereof, may be made by interested parties, in writing, within ten days after the expiration of the time of the publication of the notice of the passage of the resolution of intention. The city clerk shall lay such objections before the city council, which shall, at its next meeting, fix a time for hearing said objections not less than one week thereafter. The city clerk shall thereupon notify the persons making such objections by depositing a notice thereof in the postoffice of

said city, postage prepaid, addressed to each objector. At the time specified the city council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive. If the objections are sustained, all proceedings shall be stopped; but proceedings may be immediately again commenced by giving the notice of intention to do the said work or make said improvements. If the objections are overruled by the city council, the proceedings shall continue the same as if such objections had not been made.

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

Section 10. The contractor, or his assigns, or some person in his or their behalf, shall call upon the persons assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, his assigns, or some person in his or their behalf, shall receipt the same upon the assessment in presence of the person making such payment, and shall also give a separate receipt if demanded. Whenever the person so assessed, or his agent, cannot conveniently be found, or whenever the name of the owner of the lot is stated as "unknown" on the assessment, then the said contractor, or his assigns, or some person in his or their behalf, shall publicly demand payment on the premises assessed. Demand for payment of assessment. The warrant shall be returned to the superintendent of streets within thirty days after its date, with a return indorsed thereon, signed by the contractor, or his assigns, or some person in his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof. Thereupon the superintendent of streets shall record the return so made, in the margin of the record of the warrant and assessment, and also the original contract referred to therein, if it has not already been recorded at full length in a book to be kept for that purpose in his office, and shall sign the record. The said superintendent of streets is authorized at any time to receive the amount due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor; *provided*, that no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff; and he may release any assessment upon the books of his office, on the payment to him of the amount of the assessment against any lot with interest, or on the production to him of the receipt of the party or his assigns to whom the assessment and warrant were issued; and if any contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed; *provided, however*, that in case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which a return may be made, with the same effect as if the original had been so returned, *provided, further*, that the Return of warrant to superintendent of streets. Failure to return warrant

Extension of time.

street superintendent may for cause shown on written petition from the contractor or his assigns filed in his office prior to the expiration of said thirty days from the date of the warrant, extend the time for the making of said return for a period not to exceed thirty days additional, which extension shall, with its date, be noted on the warrant. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of ten per cent per annum until paid.

Interest on assessment overdue.

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

Contractor may sue on overdue assessment.

Section 12. At any time after the period of thirty-five days from the day of the date of the warrant as herein provided or if an appeal is taken to the city council as provided in section eleven of this act, or an extension of time is granted to the contractor in which to make his return as provided in section ten of this act, at any time after five days from either the decision of said council or the expiration of said extension or after the return of the warrant or assessment, after the same may have been corrected, altered or modified as provided in said section eleven (but not less than thirty-five days from the date of the warrant), the contractor or his assignee may sue, in his own name, the owner of the land, lots, or portions of lots, assessed on the day of the date of the recording of the warrant, assessment, and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of ten per cent per annum until paid. And in all cases of recovery under the provisions of this act, where suit has been brought after one year from the date of the assessment or after personal demand has been made on

Attorney's fees.

the owner as hereinafter provided, the plaintiff shall recover the sum of fifteen dollars, in addition to the taxable costs as attorney's fees, but not any percentage upon said recovery; but no suit shall be brought for the recovery of any such assessment and no attorney's fees or costs shall be recovered until a demand in writing has been served personally on the owner of the lot or parcel of land assessed and such owner has failed to pay such assessment before the expiration of ten days after the service of such demand, or unless one year has elapsed from the date of the assessment.

Demand in writing prerequisite.

Proof of service.

Proof of service of such demand shall be made by affidavit in like manner as proof of service of summons in a civil action. If the contractor or his agent or any person acting in behalf of the contractor shall, prior to the filing of a complaint for the recovery of any assessment as herein provided, make any written demand upon or present any bill or notice in writing to such owner, demanding, requesting or notifying such owner to pay or that there is due, attorney's fees or court costs in connection with the collection of such assessment, then the contractor shall forfeit to such owner the amount of such assessment and the superintendent of streets is authorized, upon written demand of such owner, accompanied by the affidavit of such owner, that such written

demand, bill or notice for the payment of attorney's fees and costs, or either thereof, prior to the commencement of suit. to mark said assessment "paid," and such assessment shall thereby be deemed to be paid and the lien thereof released. When the ownership of two or more lots or parcels of land on which assessments in the same proceeding have not been paid is identical, one action may be brought to collect the assessments on all of said lots or parcels of land, and in case more than one action is brought against the owner of more than one lot or parcel of land where the ownership is identical, as aforesaid, the court shall, upon the motion of such owner or owners, consolidate such actions, and in the event of such consolidation of actions and recovery therein, only fifteen dollars as attorney's fee shall, unless otherwise ordered by the court, be recovered; and when suit has been brought as in this section provided, the plaintiff shall be entitled to have and recover said attorney's fee, and taxable costs, notwithstanding that the suit may be settled or a tender may be made before a recovery in said action, and he may have judgment therefor. Suit may be brought in the superior court within whose jurisdiction the city is in which said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands the owners of which cannot, with due diligence, be found, the service of summons in each of such actions may be had in such manner as is prescribed in the codes and laws of this state. The said warrant, assessment, certificate, and diagram, with the affidavit of service of demand and non-payment shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the superintendent of streets and city council upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The court in which said suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution, as in other cases of the sale of real estate by the process of said court: and on appeal, the appellate courts shall be vested with the same power to adjudge and decree a lien and to order such premises to be sold on execution or decree as is conferred on the court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits now pending, or hereafter brought to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this act, and also, when not in conflict herewith, by the codes of this state. This act shall be liberally construed to effect the ends of justice.

Consolidation of actions.

Evidence of regularity.

Redemption.

SEC. 5. A new section is hereby added to said act to be known as section 12½ and to read as follows:

Section 12½. Whenever any assessment made and issued under the provisions of this act, or whenever any bond or bonds issued to represent the amount of any such assessment in accordance with the provisions of "An act to provide a system of street improvement bonds to represent certain assess-

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

ments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893, and all acts supplementary thereto or amendatory thereof, have been set aside by any court of competent jurisdiction, or such court has refused to enforce any assessment, or has decreed any bond or bonds issued under the above mentioned statute approved February 27, 1893, not to constitute valid and subsisting liens against the lots, pieces or parcels of land upon which the assessments represented by them have been levied, then the superintendent of streets shall cause a new assessment to be made for the same purpose for which the former assessment was made, whether any of the assessments have been paid or not, and new bonds shall in regular course thereafter issue in the event that bonds were issued under or provided for in the original assessment. It is hereby made the duty of any court of competent jurisdiction in rendering its judgment holding invalid any assessment or assessments hereafter made or issued, or of any bond or bonds hereafter made or issued to represent the amount or amounts of any such assessment, to make a finding as to whether or not the issuing of such assessment was entirely without the power of the said city to issue, and if not, then what omission, irregularity, illegality, informality or non-compliance with the requirements of the statute of which this is amendatory has occurred in the proceedings upon which said assessment or assessments and bonds rest, and what effect shall be given to them in making the re-assessment. In the event that the court shall find that the work, the expenses of which are represented by said assessment or bonds, was done in good faith under the contract made pursuant to a resolution of the city council providing for such improvement to be paid for by a special assessment, it shall be the duty of the said court to order the making of a new assessment, which assessment shall be delivered to the contractor or his assigns, or the holder or holders of the bonds representing the assessments, as the case may be. The city council may, at the request of the contractor, his assigns or the holder of the bonds representing the assessments, by resolution duly passed, set aside any assessment or assessments and bonds, as the case may be, and order a new assessment or assessments and bonds, to be made and issued without any decree having been obtained of or from any court regarding said matter, if in its opinion the assessment be invalid, and it may take all necessary steps and make and pass all necessary orders or ordinances to re-assess and re-levy such assessment, and may re-assess and re-levy the same with the same force and effect as an original levy. Such re-assessment, whether made after decree of court has been rendered, or pursuant to a resolution of the council, shall be based upon the special and peculiar benefit of the work or improvement to the respective lots, pieces or parcels of land assessed at the time of the making of the re-assessment, and its total amount shall not exceed the total amount

Duty of court to point out irregularity.

Court to order new assessment.

City council may set aside assessment.

of the original assessments. Such re-assessment so made shall become a charge upon the property upon which the same is levied, notwithstanding any omission, failure or neglect of any officer, body or person to comply with the provisions of this statute, relating to or connected with the improvement and the issuing of the assessment or the bonds, and notwithstanding the fact that the proceedings of the city council, board of public works or any officer of the city or agent of the contractor or other person connected with such work, may have been irregular, illegal, informal, or defective, or not in full conformity with the requirements of this statute. It is hereby declared to be the true intent and meaning of this section to make the cost and expense of all local improvements actually made in the attempted exercise of the powers conferred upon municipalities under this statute, payable by the real estate benefited by such improvement by making a re-assessment therefor which shall equitably apportion to each lot, piece or parcel of land thereby benefited the amount of the actual benefits derived from said improvement, notwithstanding that the proceedings of the city council and other officers or agents of the city, or of the contractor, may have been irregular, illegal or defective, or not in full conformity with the requirements of this statute. Such re-assessment shall be made without a repetition of the proceedings had prior to the issuance of the assessment and shall be made and issued in the following manner: The superintendent of streets shall, upon the entering of a decree of court directing the re-assessment, or upon the passage of a resolution of the city council directing a re-assessment, proceed at once to make a re-assessment in accordance with the said decree of court, or said resolution of the city council. Such re-assessment shall be made upon the property fronting on the improvement or upon the district described in the resolution of intention for said work or improvement, as the case may be, and in the event that there shall have been informalities, uncertainties or ambiguities in the description of the limits of said district, then upon the district which the court or council shall find to be that actually benefited by said improvement, but in so finding said court or council shall follow the lines described in the resolution of intention so far as the same can be ascertained, and in all cases of uncertainty or ambiguity they shall give regard to the lines described and make such a determination as to the lines where there is any uncertainty or ambiguity in the resolution of intention as may be just and equitable. In the event that a portion of the work or improvement has been found to have been entirely without the power of said city to order done, then said assessment shall be for the remainder of the work or improvement only, and the benefits arising from the work entirely without the jurisdiction of the city to order shall not be considered in making the re-assessment. Upon the completion of the re-assessment it shall be presented to the city council and a day of hearing

Re-assessment charge on property.

Intent of this section.

Making of re-assessment.

Work without power of city.

Hearing
on
re-assess-
ment.

shall be fixed by it which shall be at least twenty (20) days after the filing of the re-assessment. The city clerk shall then advertise the fact of said filing by publishing a notice in the newspaper in which the notice of award of contract was published, or in such other paper as the council may direct, by five (5) insertions if the paper be a daily, or by two (2) insertions if it be a weekly or semi-weekly newspaper, stating the fact that the re-assessment has been filed with him and that objections to said re-assessment will be heard at the time specified by the city council. At the time fixed for said hearing, or at such time or times to which the same may be thereafter adjourned, the city council shall consider the objections to said re-assessment and in its discretion revise, correct and modify such re-assessment in such manner as is most equitable, and it shall thereupon pass a resolution approving and confirming such re-assessment and such decision shall be a final determination of all matters relating to the actual benefits derived from the improvement by the respective lots, pieces and parcels of land enumerated in the re-assessment. Said re-assessment shall thereupon be recorded by the street superintendent and it shall in all respects have the same effect and weight as the original assessment, and shall be enforced in the same manner. All payments made upon the original assessment shall be credited upon the re-assessment and in the event that the re-assessment in any instance is less than the amount of the original assessment, the excess shall be payable to the owner by the contractor.

Payments
on original
assess-
ment
credited.

SEC. 6. Section fifty-five of said act is hereby amended to read as follows:

Descrip-
tion by
reference
sufficient.

Section 55. In all resolutions, notices, orders and determinations subsequent to the resolution of intention a description of the assessment district by reference to the resolution of intention shall be sufficient, and in all resolutions, notices, orders, and determinations subsequent to the "notice of street work" a description of the work by reference to the resolution of intention shall be sufficient.

CHAPTER 244.

An act to amend sections three hundred sixty-eight, six hundred ninety-nine and twenty-five hundred one of the Political Code, relating to the appointment of certain executive officers of the state, and to the powers, duties, appointment and number of port wardens.

[Approved June 6, 1913. In effect August 10, 1913.]

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

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

368. The following executive officers shall be appointed by the governor, with the consent of the senate:

1. The directors of the insane asylums; the trustees for the asylum for the deaf, dumb and blind; the insurance commissioner; the members of the state board of health; the fish and game commissioners.

Executive officers appointed by governor.

2. The port wardens, when port wardens and their appointment are not otherwise provided for by law; the pilot commissioners; and the pilots for each harbor where there is not a board of pilot commissioners, and when the appointment of pilots is not otherwise provided for by law.

3. All other executive officers whose appointment is provided by law to be made by the governor.

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

699. The powers and duties of port wardens are prescribed in title six of part three of this code, and such port wardens shall have such further powers and perform such other duties as may be otherwise prescribed by law.

Powers and duties of port wardens.

SEC. 3. Section twenty-five hundred and one of the Political Code is hereby amended to read as follows:

2501. There shall be four port wardens of the port of San Francisco, and such number for each and every other port of entry within this state as may be prescribed by law: *provided, however,* that there shall be at least one port warden for each such port. The port wardens shall be appointed by the governor, except the port wardens of ports whose appointment is otherwise provided for by law.

Number of port wardens.

CHAPTER 245.

An act declaring that all tide lands and submerged lands within the boundaries of the city of Los Angeles are required, and requiring such lands, for public purposes of commerce, navigation and fishing, and for purposes in aid thereof, and ratifying, approving and confirming the acts of the attorney general in bringing and prosecuting certain suits in the name of the people of the State of California, for the purpose of quieting title to, and for the recovery of the possession of said lands.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. That all tide lands and submerged lands, whether filled or unfilled, within the present boundaries of the city of Los Angeles, a municipal corporation of this state, and situated below the line of mean high tide of the Pacific ocean, or of any harbor, bay, inlet, estuary or other navigable water within the present boundaries of said city, are hereby declared to be, and the same are hereby, required for the public purposes of commerce, navigation and fishing, and for purposes in aid thereof.

The lands within Los Angeles city required for public use.

Attorney
general
to bring
suit for
recovery.

SEC. 2. That the acts of the attorney general of this state in bringing and prosecuting certain suits in the courts of this state, in the name of and in behalf of the people thereof, against all persons, partnerships or private corporations claiming or possessing the tide lands and submerged lands described in section one of this act, for the purpose of quieting, in the State of California, the title to said lands, and for the recovery of possession of said lands by said state, be and the same are hereby ratified, approved and confirmed.

CHAPTER 246.

An act to amend sections three, eight, nine, thirteen, nineteen and thirty-two of "An act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land," approved April 22, 1909, and to add to said act a new section, to be numbered three and one half, relating to the manner of effecting certain local improvements.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. Section three of "An act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land," approved April 22, 1909, is hereby amended to read as follows:

Section 3. The street superintendent shall thereupon cause to be conspicuously posted as near as may be along the exterior boundary lines of the land proposed to be condemned, as described in the ordinance of intention, at not more than one hundred feet in distance apart notices (not less than three in all) of the passage of said ordinance. Said notice shall be headed "Notice of Public Improvement" in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said ordinance, and briefly describe the improvement proposed and refer to said ordinance for further particulars. Said street superintendent shall also cause a notice similar in substance to be published for a period of five days in a daily newspaper published and circulated in said municipality and designated by said city council for that purpose, or if there is no such daily newspaper so published, then by four successive insertions in a weekly or semi-weekly newspaper, so published, circulated and designated. The city clerk shall immediately upon the passage of said ordinance mail, postage prepaid, to each owner of property in the district to be assessed to pay the costs and expenses of

Street
superin-
tendent
to post
notices of
improve-
ment.

Publea-
tion

Notice
mailed
to owners.

said improvement, at his last known address as the same appears on the tax roll of said city, a postal card containing a notice which will be in the following or substantially the following form (filling blanks):

You are hereby notified that on the ----- day of -----
 19__ the city council of the city of -----, California,
 by virtue of the "Park and playground act of 1909" passed
 an ordinance of intention numbered ----- for the con-
 demnation of certain land for park or playground purposes.
 You are hereby referred to said ordinance of intention for
 further particulars. Property belonging to you is in the dis-
 trict to be assessed for this improvement.

Form of
 notice to
 owners.

 City Clerk.

The city clerk shall immediately upon the completion of the mailing of said postal cards file in the office of the superintendent of streets an affidavit setting forth the time and manner of his compliance of this requirement; *provided, however*, that the failure of the city clerk to mail said cards or the failure of the property owners to receive same shall in no wise affect the validity of the proceedings or prevent the city council from acquiring jurisdiction to order the improvement; *provided further, however*, that the city council shall not pass any ordinance ordering the improvement until such affidavit is made and filed as herein prescribed.

Affidavit
 of clerk.

SEC. 2. A new section is hereby added to said act to be numbered three and one half and to read as follows:

Section 3½. Upon the completion of the posting of the notices as provided in section three, the street superintendent shall cause to be made and filed in his office an affidavit of the person or persons who posted said notices to the effect that said notices were posted as near as possible along the exterior boundary lines of the land, as described in the ordinance of intention, which it is proposed to condemn, at not more than one hundred feet apart and not less than three in all, and shall cause a notice to be published by one insertion in a daily, weekly or semi-weekly newspaper published and circulated in said city stating in substance that the affidavit or affidavits of posting said notices as near as possible along the exterior boundary lines of the land described in the ordinance of intention, which it is proposed to condemn, has been filed in his office, specifying the date of such filing and that all persons desiring to object to the sufficiency of such posting shall file written objections thereto with the city council not more than twenty days after the publication of said notices. Any property owner in the assessment district shall have the right to object to the sufficiency of the posting of said notices within twenty days after the publication of said notice that the affidavit or affidavits of the posting of notices has been filed. If any such objection shall be filed within the time herein provided the city council shall set a time for the hearing of the same, which

Affidavit
 of person
 posting
 notices.

Objection
 to suffi-
 ciency of
 notices

time of hearing shall not be later than ten days after the expiration of said twenty days herein allowed for the filing of the objections to the sufficiency of the posting of said notices, and the clerk of the city council shall, in writing, notify each protestant of the time and place of such hearing. At such hearing the city council shall have power to overrule or sustain any such objection and its determination thereon shall be final and conclusive as to the sufficiency of said posting. If the city council shall sustain any such objection it shall direct the street superintendent to post or repost the notices as near as possible along the exterior boundary lines of the land proposed to be condemned as described in the ordinance of intention, whereon it shall have been determined by the city council that the posting of said notices was insufficient. Upon being so directed, the street superintendent shall post notices as directed by the city council and cause to be made and filed in his office an affidavit to the effect that said notices have been posted in the manner and location designated by the city council in its order directing the said notices to be so posted or reposted. He shall also cause to be published by one insertion in a daily, weekly or semi-weekly newspaper published and circulated in said city, a notice to the effect that such posting has been made in accordance with the direction of the city council and notifying all owners of property within the assessment district that they have ten days from the date of the said publication in which to file any protest provided for in section 4 of this act, and any owner of property within the assessment district may within ten days file such protest. Any protest filed must comply with the provisions of section 4 hereof in all respects, except as to the time of the filing of the same, and shall have the same force and effect as protests as those provided for by said section 4. Upon the filing of such protests the city council shall fix a time and place for the hearing thereof, which shall be not later than fifteen days from the filing of such protests. Upon such hearing the city council shall pass upon such protests in the manner and with the effect provided in section 4 of this act and if an ordinance ordering said improvement has been passed prior to the filing of any objection to the sufficiency of the posting of notices and on such subsequent hearing it is found that the protests are signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within the assessment district, or if said city council shall sustain such protests such ordinance ordering the work shall be repealed. If any such objections are filed and the city council, after hearing, determine that the posting of said notices was sufficient, it may pass an ordinance ordering the work provided no such ordinance has already been passed. If no objections to the sufficiency of the posting of the notices are filed within the time herein allowed for the filing of such objections, or if objections are filed and overruled by the city council, as herein provided, all persons shall forever be precluded from raising any objection to the validity of the pro-

Determination of city council final.

Posting of notices.

Protest.

Hearing.

Ordinance ordering work.

ceedings on the ground that the notices were not posted as required by law.

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

Section 8. When all parties defendant to the action have answered, or have been served with summons, and their default entered, the plaintiff or any party defendant to the action whose default has not been so entered, may, upon five days' notice to the parties, except defendants in default, move the court to set the action for trial. If, upon the hearing of such motion, a trial by jury or by the court without a jury is not demanded by the defendants, or any of them, or by the plaintiff, such trial shall be deemed to be waived, and the court must appoint three disinterested persons referees, to ascertain the compensation to be paid to such defendants so waiving a trial by a jury, or by the court without a jury. Such referees must be residents, of the municipality where such improvement is to be made, and over the age of twenty-one years, and must take and file with the court an oath to discharge their duties faithfully and impartially. If any of such referees fails to qualify, or resigns, or is removed by order of court, or is or becomes unable to act, the vacancy so created shall be filled by the court. The referees shall at once proceed to view the lands sought to be condemned, and ascertain the compensation proper to be paid to such of the parties interested in each parcel thereof as have waived a trial by a jury, or by the court. They shall have power to examine witnesses under oath, to be administered by any of them, and may have subpoenas issued by the clerk of the court, requiring the attendance of witnesses, or the production of evidence before them. They shall make and file with the court a written report of their findings, and of their necessary expenses, within thirty days after the date of their appointment; *provided, however*, that the time so allowed may be extended, upon good cause shown, by the court or judge thereof, but such extension shall not exceed ninety days; *and provided further*, that if any vacancy in the referees is created and filled as provided in this section, or if new referees are appointed, or if a new report from the same referee is ordered, as provided in section nine of this act, the time herein specified for the filing of such report shall be deemed to be thirty days from the date of the order filling such vacancy, or appointing new referees, or ordering a new report from the same referees, and the same may be extended accordingly, as above provided. Any two of such referees who agree thereto, may make such report. For the purpose of assessing the compensation and damages the right thereto shall be deemed to have accrued at the date of the order appointing referees or of the order setting the cause for trial, as the case may be, and its actual value at that date shall be the measure of compensation for all property to be actually taken, and the basis of damages to property not actually taken, but injuriously affected, in all cases where such damages are allowed by the provisions of this

Setting
action for
trial.

Referees.

View of
lands.

Report of
findings.

Measure
of com-
pensation.

Subsequent
improvements.

act. No improvements placed upon the property proposed to be taken, subsequent to the date of the publishing of the notice of the passage of the ordinance of intention, shall be included in the assessment of compensation or damages. The referees, or court, or jury, as the case may be, shall find separately:

Value of
property.

First—The value of each parcel of property sought to be condemned, and all improvements thereon pertaining to the realty, and of each separate estate or interest therein;

Damages
to re-
mainder.

Second—If any parcel of property sought to be condemned is only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, and to each separate estate or interest therein, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff. Such damages must be fixed irrespective of any benefit from such improvement.

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

Hearing
on report.

Section 9. Upon the filing of such report the court must, upon motion of any party, appoint a day for hearing the same, not less than twenty days thereafter. Notice of the time and place of said hearing must, at least ten days before the time so appointed, be served on all the other parties, except defendants whose default has been entered. The plaintiff, or any defendant who has answered, may file exceptions in writing to said report, specifying the grounds upon which such exceptions are based, at any time within not less than one day prior to the hearing; and any such party so filing exceptions to said report, may appear at the hearing of said report and contest the same. In addition to the notice hereinbefore provided, the clerk of the court must give notice of the filing of said report, and of the time and place appointed for the hearing of the same, to all persons owning or having an interest in any property, included within the assessment district for said improvement described in the ordinance of intention, by causing said notice last mentioned to be published for five days in a daily newspaper published and circulated in the city; or, if there be no such daily newspaper, then by two insertions in a weekly newspaper so published and circulated. Any publication of such notice shall commence at least ten days before the time appointed for the hearing of the report. Said notice shall require all persons owning or having an interest in any property included within said assessment district for said improvement to intervene in said action, and file, in the office of the clerk of said court, his exceptions in writing to said report, if any he has, specifying the grounds upon which such exceptions are based. Said notice shall also contain a description of the said assessment district as set forth in the ordinance of intention. At any time within not less than one day prior to the hearing, any person not a party to the action, owning or having an interest in any property included within said assessment district, may intervene in the action,

Excep-
tions.

Notice
of filing
report.

Who
may in-
tervene.

and file his exceptions in writing to said report, specifying the grounds upon which such exceptions are based; and any such person so intervening may appear and contest the said report, and introduce evidence in support of such exceptions. After hearing the report, and any exceptions thereto, the court may confirm the report, or may modify it and confirm it as modified, or may set it aside and order a new report from the same referees, or from any referees to be appointed. If new referees are appointed, the same proceedings shall be had as upon the first reference. If there be a trial of the action by a jury, or by the court without a jury, the clerk of the court must give notice of the time and place of such trial to all persons owning or having an interest in any property within said assessment district for said improvement. Said notice shall be published in the same manner and for the same time as the notice hereinbefore in this section required to be given by said clerk, and shall require all persons owning or having an interest in any property included within said assessment district for said improvement, to intervene in said action, and to appear at the trial thereof and introduce evidence relative to the compensation and damages to be awarded to the defendants therein. At any time within not less than one day prior to the trial, any person not a party to the action, having an interest in any property included within said assessment district, may intervene in the action, and, upon the trial thereof, may appear and introduce evidence relative to the compensation and damages to be awarded to the defendants therein. The cost of the publication of the notices required by this section shall be paid by the plaintiff, and allowed as costs in the action. When a time has been appointed for hearing the report of the referees, or for the trial of the action, and notice thereof has been given by the clerk by publication as in this section provided, if the hearing or trial be postponed or continued by the court to any subsequent date, no such notice need be given by the clerk of the hearing or trial upon any such postponement or continuance. Upon the confirmation of the report of the referees, or receipt of the verdict of the jury, or the filing of the findings of the court, the court shall make and enter an interlocutory judgment in accordance with such report, verdict or findings, adjudging that upon payment to the respective parties, or into court for their benefit, of the several amounts found due them as compensation, and of the costs allowed to them, the property involved in the action shall be condemned to the use of the plaintiff, and dedicated to the use specified in the complaint. The court shall allow to the referees, as costs to be paid by the plaintiff, a reasonable compensation for their services, the amount of which compensation shall be fixed by the court upon the hearing of the report, and their necessary expenses.

Court may confirm, etc., report.

Trial by jury.

Who may intervene.

Interlocutory judgment.

Referee's compensation.

Sec. 5. Section thirteen is hereby amended to read as follows:

Section 13. The city engineer shall deliver said diagram to

Delivery of diagram.

the street superintendent, and shall endorse thereon the date of such delivery. The street superintendent upon receiving the said diagram, shall proceed to assess the total expenses of the proposed improvement upon and against the lands, including the property of any railroad or street railroad within said assessment district, except the land to be taken for such improvement, in proportion to the benefits to be received from said improvement. The street superintendent shall complete said assessment within ninety days after the receipt by him of said diagram; *provided, however*, that the city council may, by resolution, extend the time for completing said assessment for a period not exceeding sixty days additional.

Completion of assessment. The total expense of the improvement so to be assessed shall include the amounts awarded to the defendants by the interlocutory judgment in the action for condemnation, and all other costs of the plaintiff in such action the expenses of making the assessments and all expenses necessarily incurred by said municipality, in connection with the proposed improvement, for maps, diagrams, plans, surveys, searches and certificates of title to the property to be taken, and all other matters incident thereto.

Total expense.

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

Delinquent assessment list.

Section 19. The street superintendent shall, within thirty days from the date of such delinquency, begin the publication of a list of the delinquent assessments, which list must contain a description of each parcel of property delinquent, and opposite or against each description, the name of the owner as stated in the assessment roll, and the amount of the assessment, penalty, and costs due, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece or parcel of land, separately assessed. The street superintendent shall append to and publish with said delinquent list a notice that unless each delinquent assessment, together with the penalty and costs thereon, is paid, the property upon which such assessment is a lien, will be sold at public auction at a time and place to be specified in the notice. The publication must be made for a period of ten days, in some daily newspaper published and circulated in the municipality, or for three weeks in a weekly newspaper so published and circulated. The time of sale must not be less than five days, nor more than ten days, after the expiration of the period of publication of said list, and the place of sale must be in, or in front of, the office of the street superintendent.

Publication.

SEC. 7. Section thirty-two of said act is hereby amended to read as follows:

How designated.

Section 32. The provisions of this act shall be liberally construed to promote the objects thereof. This act may be designated and referred to as the "park and playground act of 1909."

CHAPTER 247.

An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by municipalities of water works, electric power works, gas works, lighting works, and other public works and utilities; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments, and to repeal an act entitled "An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. Whenever the public interest or convenience may require, the city council of any municipality in the state shall have full power and authority to order water mains, pipes, conduits, tunnels, hydrants and other necessary works and appliances, for the purpose of providing water service; lines, conduits, and other necessary works and appliances, for the purpose of providing electric power service; mains, pipes and other necessary works and appliances, for the purpose of providing gas service; poles, posts, wires, pipes, conduits, lamps and other necessary works and appliances, for lighting purposes; or any of said improvements, or any works, utility or appliances necessary or convenient for providing any other public service, to be installed, constructed, reconstructed, extended, repaired or maintained in and along the whole or any part of any one or more of the public streets, alleys or other places in such municipality, or in and along any right of way owned or held by said municipality for the purpose; also to order any works or appliances already installed in or along the whole or any part of any one or more of the public streets, alleys, or other places in such municipality, and which are necessary or convenient for the purpose of supplying such municipality or its inhabitants with water, electricity, gas, or other means of heat, illumination or power, or with any other public service, together with any plants, lands and rights of way, whether located within or without the city, necessary or convenient for the use and operation thereof, to be acquired, or to order the use of any such works, appliances and other property to be acquired; also to order electric current, gas, or other illuminating agent, to be furnished for such power or lighting service, in the manner and under the proceedings hereinafter described.

Cities may maintain public utility.

Sec. 2. Before ordering any improvement to be made which is authorized by section one of this act, the city council shall adopt a resolution declaring its intention to do so,

Resolution of intention.

- briefly describing the proposed improvement, and specifying the exterior boundaries of the district to be benefited by said improvement and to be assessed to pay the cost and expenses thereof, and to be known as the assessment district; *provided, however,* that the city council may, in its discretion, order, in said resolution of intention, that a certain portion or percentage of the cost and expenses of said improvement, the amount of which portion or percentage shall be specified in said resolution, shall be paid out of the treasury of the municipality, from such fund as the city council may designate. Said proposed improvement may include any or all of the different kinds of work mentioned in section one of this act; *provided, however,* that the maintenance of appliances or the furnishing of electric current, gas, or other illuminating agent, shall be for a period stated in the resolution of intention, but not exceeding two years. The city council shall also, in the same resolution, refer the proposed improvement to the board, commission or officer of the city having charge and control of the construction of public improvements of the kind described in such resolution, or to the city engineer, or to such other board or officer of the city, or competent person employed by the city for the purpose, as the council may name in said resolution, and direct such board, commission, officer or person to make and file with the clerk of the council a report in writing, presenting the following:
- Kinds of work.**
- Reference to officer for report.**
- Plans and specifications.**
- Estimate of cost.**
- Diagram of district.**
- Assessment according to benefits.**
- Amount paid out of treasury deducted.**
1. Plans and specifications of the proposed improvement, excepting in so far as said improvement includes the acquisition of works or appliances already installed and any other property necessary or convenient for the operation thereof, or the acquisition of the use of any such works, appliances and property, as provided for in section one of this act, as to which works, appliances and property such report shall contain a general description thereof.
 2. An estimate of the cost of said improvement and of the incidental expenses in connection therewith.
 3. A diagram showing the assessment district above referred to, and also the boundaries and dimensions of the respective subdivisions of land within said district as the same existed at the time of the passage of the resolution of intention, each of which subdivisions shall be given a separate number in red ink upon said diagram.
 4. A proposed assessment of the total amount of the cost and expenses of the proposed improvement upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by such subdivisions, respectively, from said improvement; *provided,* that whenever any portion or percentage of the cost and expenses of such improvement is ordered to be paid out of the treasury of the municipality, as hereinbefore provided, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses of such improvement, and the

assessment upon property, proposed in said report shall include only the remainder of said estimated cost and expenses. Said assessment shall refer to such subdivisions upon said diagram by the respective red ink numbers thereof, and shall show the names of the owners, if known, otherwise designating them as unknown. No mistake in the name of the owner of any parcel of land shall affect the validity of the assessment thereon.

Sec. 3. Upon the filing of the report provided for in section two of this act, the said clerk shall present the same to the city council for consideration, and said council may modify the same in any respect, and, in case of any such modification, the report, as modified, shall stand as the report for the purpose of all subsequent proceedings. Thereafter, the council, by resolution, shall appoint a time and place for hearing protests in relation to the proposed improvement, which time shall not be less than twenty days from the date of the passage of said resolution, and shall direct the clerk of the city council to give notice of said hearing, and shall designate a daily or weekly newspaper published and circulated in said city in which such notice shall be published.

Consideration of report.

Hearing of protests.

Sec. 4. After the passage of the resolution of intention, the clerk of said city council shall cause to be conspicuously posted along all streets and parts of streets or other public places and rights of way held or owned by the municipality, as aforesaid, where any work is to be done or improvement made or acquired, at not more than three hundred feet apart, but not less than three in all, notices of the passage of said resolution. Said notice shall be headed "Notice of Local Improvement," in letters of not less than one inch in length, and shall, in legible characters, state the fact and date of the passage of the resolution of intention and of the filing of said report and the date set for the hearing of said protests, and briefly describe the improvement proposed to be made or acquired, and refer to said resolution and report for further particulars. He shall also cause a notice similar in substance to be published by two successive insertions in a daily or weekly newspaper, published and circulated in said municipality, and designated by said council for that purpose. Said notices must be posted and published, as above provided, at least ten days before the date set for the hearing of said protests.

Notices of local improvement posted.

Publication.

Sec. 5. Any person interested, objecting to said improvement, or to the extent of the assessment district, or to the proposed assessment provided for in section two of this act, may file a written protest with the clerk of the city council at or before the time set for the hearing referred to in section three hereof. The clerk shall endorse on every such protest the date of its reception by him, and, at the time appointed for the hearing above provided for, shall present to said council all protests so filed with him. If such protests be against said improvement and said city council find that the

Written protest.

Majority may bar resolution.

same are signed by the owners of a majority or more of the frontage of the property fronting on streets or parts of streets within said assessment district, all further proceedings under said resolution of intention shall be barred, and no new resolution of intention for the same improvement shall be passed within six months after the presentation of such protests to the city council, unless the owners of a majority or more of the frontage of the property fronting on streets or parts of streets within said assessment district shall be in the mean time petitioned therefor. If such protests are against the improvement, and the council find that they are not signed by the owners of a majority or more of the frontage of the property fronting on streets or parts of streets within the assessment district, or if such protests are against the extent of the assessment district, the council shall hear said protests at the time appointed therefor, as above provided, or at any time to which the hearing thereof may be adjourned, and pass upon the same and its decision shall be final and conclusive, and if such protests are sustained the proceedings shall be abandoned, but may be renewed at any time, and if such protests are denied the proposed assessment shall be confirmed. If such protests are against the proposed assessment, the council shall hear said protests at the time appointed therefor, as above provided, or at any time to which the hearing thereof may be adjourned, and may confirm, modify or correct said proposed assessment.

Decision final.

Order of improvement.

When, upon the hearing, said proposed assessment is confirmed, modified or corrected, or in case no protests are filed, the report provided for in section two hereof shall be adopted as a whole, with any modifications or corrections that have been made therein, and the city council shall, by resolution, order said proposed improvement to be made or acquired, and declare its action upon said report and assessment, which resolution shall be final and conclusive on all persons, and the assessment shall be thereby levied upon the respective subdivisions of land in the assessment district.

Contest of validity.

SEC. 6. The validity of an assessment levied under this act shall not be contested in any action or proceeding unless the same is commenced within thirty days after the time said assessment is levied, and any appeal from a final judgment in such an action or proceeding must be perfected within thirty days after the entry of such judgment.

Diagram to city collector.

SEC. 7. Upon the passage of the resolution provided for in section five hereof, the clerk of said city council shall transmit to the city tax collector the diagram and assessment provided for in subdivisions three and four of section two hereof, and any modifications or corrections thereof made by said city council.

Diagram recorded.

SEC. 8. Upon receipt of the diagram and assessment referred to in the last preceding section, the tax collector shall record the same in a substantial book, to be kept for that purpose, in his office, and shall thereupon fix a day not less than

twenty, nor more than thirty, days from the date of the receipt by him of said diagram and assessment after which all assessments unpaid shall become delinquent, and ten per cent shall be added to the amount thereof, and shall also fix a day for the sale of the various parcels of land upon which the assessments are unpaid, which said date shall be not less than fifty days, nor more than sixty days, from the date of the receipt by him of said diagram and assessment.

Assessments delinquent.

SEC. 9. The tax collector shall, within ten days after the date of such delinquency, begin the publication of a notice of sale of the property upon which the assessments have not been paid, which publication must be made by two insertions in a daily or weekly newspaper, published and circulated in the city. The description of the various parcels of land need not be set out at length, but they may only be designated in such notice by the respective numbers of the same as they appear upon the assessment and diagram, which shall be properly referred to therein. Opposite the description or designation of each parcel of land shall be set out in such notice, the name of the owner as stated in the assessment, the amount assessed against the same, the penalty for delinquency, and its portion of the costs of the sale.

Notice of sale for delinquency.

At any time after such delinquency, and prior to the sale of any parcels of land assessed and delinquent, any person may pay the assessment thereon, together with the penalties and costs due thereon, including the cost of advertising, if such payment is made after the first publication of the notice of sale.

Payment prior to sale.

At the time and place fixed therefor, the tax collector shall proceed with such sale, commencing at the head of the list of lands contained in such notice, and continuing in the numerical order thereof until all the property is sold; *provided*, that he may postpone or continue the sale from day to day until the sale is completed. The tax collector shall separately sell each parcel of land listed in such notice, or so much thereof as shall be necessary to realize the amount assessed against the same, together with the penalties and costs as aforesaid, and fifty cents for a certificate of sale. In case there is no other purchaser, the same shall be struck off to the city as purchaser.

Sale of land.

SEC. 10. The tax collector shall issue for each sale an original and duplicate certificate of sale, referring to the proceedings, describing the parcel sold, and giving the name of the purchaser and the amount for which said parcel was sold. The original certificate he shall deliver to the purchaser, and the duplicate he shall keep on file in his office, in the form of a stub, in the certificate book.

Certificate of sale.

SEC. 11. At any time before the expiration of one year from the date of the sale, any property sold under the provisions of the preceding sections may be redeemed by the payment to the tax collector of the amount for which the property was sold, with an additional penalty of twenty per cent of said amount. Said redemption money shall be paid by the tax

Redemption of property sold.

collector to the person holding the original certificate of sale upon his delivering up the same and receipting for the amount received from the tax collector therefor. Upon redemption of any parcel of land the tax collector shall enter the fact and date of such redemption upon the duplicate certificate of sale thereof.

Deed to
property.

SEC. 12. If the property is sold, and is not redeemed within said period of twelve months from the date of the sale, the tax collector shall execute to the person named in the original certificate, or to his assignee, a deed of the property described in said certificate, which said deed shall refer in general terms to the proceedings under which the same is issued, and shall contain a description of the property. Such deed shall convey title in fee to said property, and the grantee is immediately, upon the receipt thereof, entitled to possession of the property described therein.

Special im-
provement
fund.

SEC. 13. The funds collected by the tax collector under the proceedings herein provided for, either upon voluntary payment or as the result of sales, shall be paid by said tax collector, as fast as collected, to the treasurer of the city, who shall place the same in a special fund designated by the name of the improvement proceeding, and payment shall be made out of said special fund only for the purposes provided for in this act. To expedite the making of any such improvement, the city council may, at any time, transfer into said special fund, out of any money in the general fund, such sums as it may deem necessary, and the sums so transferred shall be deemed a loan to such special fund, and shall be repaid out of the proceeds of the assessments provided for in this act.

Loan
from
general
fund.

Contract
for
improvement.

SEC. 14. At any time after the funds for the proposed improvement, or any part thereof, shall be in the hands of said treasurer, the city council may let the contract or contracts for such improvement, or the respective parts thereof, and, in so far as said improvement includes the acquisition of works or appliances already installed and any other property necessary or convenient for the operation thereof, or the acquisition of the use of any such works, appliances and property, as hereinabove provided, the council may authorize such acts and proceedings as may be necessary for the purpose of effecting such acquisition. Every such contract shall be let to the lowest responsible bidder after notice published by two insertions in some newspaper published in such municipality, and designated by the city council for that purpose, or if there be no such newspaper, then by such posting as the city council may provide. Every bid shall be accompanied by a certified check, amounting to ten per cent of the bid, payable to the order of the clerk of said city council, and the same shall be forfeited to the municipality in case the bidder depositing the same does not, within fifteen days after written notice that the contract has been awarded to him, enter into a contract with the municipality for the work, the faithful performance of which shall be secured by an undertaking in such penal

Let to
lowest
bidder.

sum as the city council shall require, with sureties satisfactory to said council. The contract must provide that the work shall be done, and the work must be done, strictly in accordance with the plans and specifications contained in the report provided for in sections 2 and 3 of this act. The work must be done under the supervision of the board, officer or person by whom the report provided for in section 2 of this act was made, and no work shall be paid for until it has been accepted by said board, officer or person. If the contractor abandons the work, or fails to proceed with the same as rapidly as required by his contract, the said city council may relet the work in the same manner as in the case of the first letting thereof, and retain the amount of the cost of the same, and of any expense incidental to the reletting out of any funds due or to become due, to the contractor, and also hold him and his sureties responsible for such cost and expense, and for any damages resulting from such abandonment or failure upon his bond; *provided, however,* that the city council, in its discretion, may, at any time within ten days after the award of any contract, as above provided, or at any time within ten days after the time fixed for the opening of bids, if no bids have been received, order by resolution adopted by a vote of two thirds of all its members, that said proposed contract be not made, and that the municipality itself execute the work embraced therein, in accordance with the plans and specifications adopted for such work, and employ the labor, and provide the material, appliances, supplies and illuminating agent necessary therefor; and the cost and expenses of such work shall be paid out of the aforesaid funds; *and provided further,* that the amount appropriated and used from said funds for said purpose shall not exceed the amount of the bid upon which the award of contract aforesaid was made, or, if no bids have been received and the work is to be executed by the municipality itself, as herein provided, such cost and expense shall not exceed the amount of the estimate thereof provided for in section 2 of this act; and if such cost and expense shall exceed the amount of said bid, or of said estimate in case no bids are received, then such excess shall be met out of any moneys in the general fund in the treasury of said city.

Work done according to specifications.

If contractor abandons work.

City may execute work.

Cost not to exceed estimate.

SEC. 15. In case the first assessment for any improvement provided for in this act proves insufficient, a supplemental assessment may be made to raise the deficit, in the same manner as nearly as may be, as the first assessment, except that protests may only be made against such supplemental assessment, and so on until sufficient money shall have been realized to pay for such improvement.

Supplemental assessment.

SEC. 16. If at any time an assessment for any such improvement shall realize a larger sum than is necessary therefor, the excess shall be refunded pro rata to the parties by whom it was paid.

Refund of excess.

SEC. 17. Every special assessment levied under this act shall, from the date of the levy thereof, be a lien upon the land

Assessment lien on land.

upon which it is levied paramount to all other liens, except prior assessments and taxation, and such lien shall continue until such special assessment is paid, or until the property is sold and a deed is made therefor to the purchaser, as hereinbefore provided, and all parties shall have constructive notice of such lien from the date of the passage of the resolution referred to in section five hereof.

Improve-
ment
bonds.

SEC. 18. The city council may, in its discretion, at or before the time of levying an assessment in proceedings taken under the provisions of this act, determine, by resolution or ordinance, that improvement bonds may issue to represent assessments included in such levy, and amounting each to twenty-five dollars or over, and whenever such determination is made, the provisions of an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, or of any act or acts amendatory thereof or supplemental thereto, shall, except as to the minimum amount of any such bond, be applicable in respect to the issuance, effect and enforcement of such bonds; *provided*, that any bonds not sold after advertisement for bids, as provided in said act, shall be deposited in the fund of the improvement for which said assessments were levied, and be deemed and treated, at their par value, as so much money in said fund, and shall, upon final acceptance of the improvement by the city, be issued to and accepted by the contractor in payment, *pro tanto*, of the contract or purchase price, or shall, in case the city performs the work, be issued to and accepted by the city in payment, *pro tanto*, of the cost and expenses of said improvement; and *provided further*, that when said bonds, or any thereof, are so issued and accepted, the contractor, or city, or other person taking the same, shall have the same rights with reference thereto as other purchasers.

Bonds
not sold.

Defini-
tions.

SEC. 19. The following words and phrases shall, where used in this act, have the following meanings:

(1) The term "improvement" includes all work and improvements mentioned in section one of this act.

(2) The terms "municipality" and "city" includes every incorporated city, city and county or other corporation organized for municipal purposes.

(3) The terms "city council" and "council" include any body or board in which by law is vested the legislative power of any city.

(4) The terms "treasurer" and "city treasurer" include any person or officer who has charge and makes payments of the city funds.

Repealed.

SEC. 20. That an act entitled "An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905, and the amendments thereof, are hereby repealed; *provided*, that proceedings commenced thereunder prior to the

taking effect of this act may be continued to completion in the same manner, and with the same force and effect, as if said act and the amendments thereof were not hereby repealed.

CHAPTER 248.

An act to amend sections two, three, four, sixteen and thirty of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903, and to add two new sections to said act to be numbered sections twenty-six (a) and thirty-three (a), relating to reassessments and the form of certain notices, resolutions, orders and determinations.

[Approved June 10, 1913. In effect August 10, 1913.]

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

SECTION 1. Section two of an act entitled "An act to provide for the laying out, opening, extending, widening or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts and places within municipalities, for the condemnation of property necessary and convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903, is hereby amended to read as follows:

Section 2. Before ordering any improvement to be made which is authorized by section one of this act, the city council shall pass an ordinance, declaring its intention to do so, describing the improvement and the land necessary or convenient to be taken therefor, and specifying the boundaries of the district to be benefited by said improvement and to be assessed to pay the expense thereof and to be known as the assessment district. Said city council may also in its discretion declare in said ordinance of intention that the city shall pay a percentage of the expense of said improvement where the same is for the opening or widening of a public street or boulevard as follows: Where said street or boulevard after being opened or widened as proposed will be not less than one hundred feet wide, the city may contribute not more than ten per cent of the total expense of such improvement, and where said street or boulevard after being opened or widened as proposed will be not less than one hundred twenty feet wide, the city may contribute not more than twenty-five per cent of the total cost of such improvement.

Declar-
ation of
intention.

City may
pay per-
centage.

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

Notice
to be
posted.

Section 3. The street superintendent shall thereupon cause to be conspicuously posted along all streets and parts of streets or other public places or rights of way where any property is to be taken for the widening or straightening thereof, and along or upon any private unimproved property which is to be taken for the opening or extending of any street or other public place, at not more than three hundred feet apart, notices (not less than three in all) of the passage of said ordinance. Said notices shall be headed, "Notice of Public Work," in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said ordinance and briefly describe the improvement proposed, and refer to said ordinance of intention for a description of the assessment district and for further particulars. He should also cause a notice similar in substance to be published by two insertions in a daily, weekly or semi-weekly newspaper published and circulated in said city and designated by the city council for that purpose. The city clerk shall, immediately upon the publication of the notice required by this section, mail, postage prepaid, to each property owner in the assessment district, at his last known address as the same appears on the tax rolls of said city, or when no address so appears, to the general delivery, a postal card containing a notice which shall be in the following or substantially the following form, (filling blanks), to wit:

Publi-
cation.

Notice
mailed
owners.

"You are hereby notified that on the _____ day of _____ 19__ the legislative body of the city of _____, California, by virtue of the street opening act of 1903, passed an ordinance of intention numbered _____, for the opening and widening of _____ street between _____ street and _____ street. Written protests may be filed with the city clerk within ____ days after the ____ day of _____ 19__. Your property is in the district to be assessed for this improvement.

City Clerk.

Affidavit
of clerk.

If any lots or parcels of land in the assessment district be assessed to "unknown owners" on the tax rolls of said city, no postal cards shall be mailed to the owners thereof, but the notice of public work by the publication as herein provided shall be deemed legal notice to such owners of such contemplated improvement. The city clerk shall immediately upon the completion of the mailing of said postal cards file, or cause to be filed in the office of the superintendent of streets an affidavit stating the time and manner of compliance within this requirement, but the names of the persons to whom said postal cards were addressed need not be set forth in said affidavit. The failure of the city clerk to address said postal cards or any thereof to the proper owners of said property or to mail said cards, or the failure of said property owners to receive the same

shall not affect the validity of the proceedings or prevent the legislative body from acquiring jurisdiction to order the work; *provided*, that the legislative body shall not pass any ordinance ordering the improvement until such affidavit is made and filed as herein prescribed.

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

Section 4. Any person interested, objecting to said improvement, or to the extent of the assessment district, described in said ordinance of intention, may file a written protest with the clerk of the city council, within thirty days after the first publication of the notice required by section three of this act. Every such protest must contain a description of the property in which each signer thereof is interested, sufficient to identify the same, and must set forth the nature of his interest therein, and must be accompanied by the affidavit of one of the signers thereof that each signature thereof is the genuine signature of the person whose name is thereto subscribed; and in case any signature is made by an agent, there must be attached to the protest the affidavit of the agent that he is duly authorized to sign such protest. Any protest not complying with the foregoing requirements, shall not be considered by the city council. In the case of property held by tenancy in common, if any co-tenant sign such protest, only the proportionate share of the frontage thereof represented by his interest therein, shall be counted in determining the amount of frontage represented by such protest. The clerk shall endorse on every such protest the date of its reception by him, and, at the next regular meeting of the city council, after the expiration of the time for filing protests, he shall present to said city council all protests so filed with him. If such protests are against said improvement, and said city council finds that the same are signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, all further proceedings under said ordinance of intention, excepting in the cases hereinafter otherwise provided, shall be barred, and no new ordinance of intention for the same improvement shall be passed within six months after the presentation of such protest to the city council, unless the owners of a majority of the property fronting on streets or parts of streets within said assessment district shall in the mean time petition therefor. For the purpose of passing upon and determining the sufficiency of such protests in cases where by a resolution of intention it is declared that the city shall pay a percentage of the expense of the improvement, the city shall be deemed to be the owner of frontage within the assessment district, bearing the same proportion to the whole frontage therein as the proportion of the expense which it is to pay, and the actual frontage of property within such district shall be increased by the addition of such amount as is necessary to produce said result, and the amount of frontage as so

Written
protest.

When
majority
protests.

City
deemed
owner
of per-
centage.

Protest
not
signed
by
majority.

increased shall be the total frontage to be used in determining whether a protest is signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district. If such protests are against the improvement, and the council finds that they are not signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, or if such protests are only against the extent of said assessment district, or if the proposed improvement is for the opening or extending of a street for a distance of not more than two blocks intervening between the terminations of two different streets, or two portions of the same street, existing at the time of the passage of the ordinance of intention for the proposed improvement, each of said different streets or said portions of the same street being at least five blocks in length, and the opening or extending of the street described in the ordinance of intention through such intervening block or blocks will, together with such different streets or portions of the same street so existing, make one connecting or continuous street, as nearly as may be practicable, or if the proposed improvement is for the opening or extending of a street into a different street, for a distance of not more than one block intervening between the termination of such street so proposed to be opened or extended and such different street, when the street so proposed to be opened or extended through such intervening block exists, at the time of the passage of the ordinance of intention, for a distance of at least five blocks, or if the proposed improvement is for the opening or extending of a public street, lane, alley, court or place through the remainder of a block when such public street, lane, alley, court or place exists, at the time of the passage of the ordinance of intention for the proposed improvement, for at least one half of the distance through such block, the city council shall thereupon fix a time for hearing said protests, not less than ten days after the meeting of the council at which such time is so fixed, and shall cause notice of the time of such hearing to be published for at least five days in a daily newspaper published and circulated in said city, or if there be no such daily newspaper, by at least two insertions in a weekly newspaper so published and circulated, the city council shall hear said protests at the time appointed, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision thereon shall be final and conclusive. If any such protests are sustained, no further proceedings shall be had under said ordinance of intention, but a new ordinance of intention for the same improvement may be passed at any time. If the protests are denied, the proceedings shall continue as if such protests had not been made. At the expiration of the time within which protests may be filed, if none are filed, or if protests are filed, and after hearing are denied, as above provided, then upon such

Hearing
protests.

Decision.

denial, the city council shall acquire jurisdiction to order the improvement described in the ordinance of intention.

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

Section 16. The city engineer shall deliver said diagram to the street superintendent and shall endorse thereon the date of such delivery. The street superintendent upon receiving the said diagram shall proceed to assess the total expenses of the proposed improvement (first deducting from such total expenses such percentage thereof, if any, as the city council may have declared by the ordinance of intention that the city shall pay) upon and against the lands, including the property of any railroad or street railroad, within said assessment district, except the land to be taken for such improvement, in proportion to the benefits to be derived from said improvement. The street superintendent shall complete said assessment within sixty days after the receipt by him of said diagram; *provided, however,* that the city council may by order extend the time for completing said assessment for a period not exceeding ninety days additional. The total expense of the improvements so to be assessed shall include the amounts awarded to the defendants by the interlocutory judgment in the action for condemnation, together with their costs, the compensation and expenses of the referees, as allowed by the court, and all other costs of the plaintiff in such action, the expenses of making the assessment, and all expenses necessarily incurred by said city, in connection with the proposed improvement, for the publication of ordinances, posting and publication of notices, for maps, diagrams, plans, surveys, searches and certificates of title to the property to be taken, and all other matters incident thereto.

Delivery
of
diagram.

Completed
assess-
ment.

SEC. 5. A new section is hereby added to said act to be numbered section 26a and to read as follows:

Section 26a. Whenever any assessment made and issued under the provisions of this act, or whenever any bond or bonds issued to represent the amount of any such assessment in accordance with the provisions of "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, and all acts supplementary thereto or amendatory thereof, have been set aside by any court of competent jurisdiction, or such court has refused to enforce any assessment, or has decreed any such bond or bonds issued under the above mentioned statute, approved February 27, 1911, not to constitute valid and subsisting liens against the lots, pieces or parcels of land upon which the assessments represented by them have been levied, then the superintendent of streets shall cause a new assessment to be made for the same purpose for which the former assessment was made, whether any of the assessments have been paid or not, and new bonds shall in regular course there-

New
assessment
may be
made
when first
one is
declared
invalid.

Court re-
quired to
point out
defects.

May order
new assess-
ment.

Reassess-
ment
based on
benefits.

Charge on
property.

Intent to
make cost
payable
by land
benefited.

after issue in the event that bonds were issued under or provided for in the original assessment. It is hereby made the duty of any court of competent jurisdiction in rendering its judgment holding invalid any assessment or assessments hereafter made or issued, or of any bond or bonds hereafter made or issued to represent the amount or amounts of any such assessment, to make a finding as to whether or not the issuing of such assessment was entirely without the power of the said city to issue, and if not, then what omission, irregularity, illegality, informality or noncompliance with the requirements of the statutes of which this is amendatory has occurred in the proceedings upon which said assessment or assessments and bonds rest, and what effect shall be given to them in making the reassessment. In the event that the court shall find that the improvement, the expenses of which are represented by said assessment or bonds, was commenced in good faith and carried on pursuant to an ordinance or resolution of the city council providing for such improvement to be paid for by a special assessment, it shall be the duty of the said court to order the making of a new assessment. The city council may, at the request of any interested party, or on its own motion, by resolution duly passed, set aside any assessment or assessments and bonds, as the case may be, and order a new assessment or assessments and bonds, to be made and issued without any decree having been obtained of or from any court regarding said matter, if in its opinion the assessment be invalid, and it may take all necessary steps and make and pass all necessary orders, resolutions or ordinances to reassess and relevy such assessment, and may reassess and relevy the same with the same force and effect as an original levy. Such reassessment, whether made after decree of court has been rendered, or pursuant to a resolution of the council, shall be based upon the special and peculiar benefit of the proposed improvement to the respective lots, pieces or parcels of land assessed. The total amount of the reassessment shall not exceed the total amount of the original assessment. Such reassessment so made shall become a charge upon the property upon which the same is levied, notwithstanding any omission, failure or neglect of any officer, body or person to comply with the provisions of this statute, and notwithstanding the fact that the proceedings of the city council, board of public works or any officer of the city or other person connected with such proceedings, may have been irregular, illegal, informal, or defective, or not in full conformity with the requirements of this statute. It is hereby declared to be the true intent and meaning of this section to make the cost and expense of all local improvements actually made or proposed to be made in the attempted exercise of the powers conferred upon municipalities under this statute, payable by the real estate benefited or to be benefited by such improvements by making a reassessment therefor which shall be equitably proportioned to each lot, each piece or parcel of land thereby benefited the amount of the actual benefits derived or

to be derived from said improvement, notwithstanding that the proceedings of the city council or other officers or agents of the city, or other persons connected therewith may have been irregular, illegal or defective, or not in full conformity with the requirements of this statute. Such reassessment shall be made without a repetition of the proceedings had prior to the issuance of the assessment and shall be made and issued in the following manner: The superintendent of streets shall, upon the entering of a decree of court directing the reassessment, or upon the passage of a resolution of the city council directing a reassessment, proceed at once to make a reassessment in accordance with the said decree of court, or said resolution of the city council. Such reassessment shall be made upon the district described in the ordinance of intention for said improvement, and in the event that there shall have been informalities, uncertainties or ambiguities in the description of the limits of said district, then upon the district which the court or council shall find to be that actually benefited by said improvement, but in so finding said court or council shall follow the lines described in the ordinance of intention so far as the same can be ascertained, and in all cases of uncertainty or ambiguity they shall give regard to the lines described and make such a determination as to the lines where there is any uncertainty or ambiguity in the ordinance of intention as may be just and equitable. In the event that a portion of the improvement has been found to be entirely without the power of said city to order, then said assessment shall be for the remainder of the improvement only, and the benefits arising from the improvement entirely without the jurisdiction of the city to order shall not be considered in making the reassessment. Upon the completion of the reassessment it shall be presented to the city council and a day of hearing shall be fixed by it which shall be at least twenty (20) days after the filing of the reassessment. The city clerk shall then advertise the fact of filing by publishing a notice in the official newspaper, or in such other paper as the council may direct, by five (5) insertions if the paper be a daily, or by two (2) insertions if it be a weekly or semi-weekly newspaper, stating the fact that the reassessment has been filed with him and that objections to said reassessment will be heard at the time specified by the city council. At the time fixed for such hearing, or at such time or times to which the same may be thereafter adjourned, the city council shall consider the objections to said reassessment and in its discretion revise, correct and modify such reassessment in such manner as is most equitable, and it shall thereupon pass a resolution approving and confirming such reassessment and such decision shall be a final determination of all matters relating to the actual benefits derived or to be derived from the improvement by the respective lots, pieces and parcels of land enumerated in the reassessment. Said reassessment shall thereupon be recorded by the street superintendent and it shall in all respects have the same

How reassessment shall be made.

When portion is without power of city.

Hearing.

Notice published.

Reassessment recorded.

Payments
on
original.

effect and weight as the original assessment, and shall be enforced in the same manner. All payments made upon the original assessment shall be credited upon the reassessment and in the event that the reassessment in any instance is less than the amount of the original assessment, the excess shall be payable to the persons who paid the original assessments.

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

Receipts
paid into
special
fund.

Section 30. The street superintendent shall from time to time pay over to the city treasurer all moneys collected by him on account of any assessment made under the provisions of this act. The city treasurer shall on receipt thereof place the same in a special fund, designating such fund by the name of the improvement for which the assessment was made. The city council shall on or before the time when said assessments become delinquent, cause to be transferred from the general or other appropriate fund of the city to said special fund the percentage of the total expense of such improvement to be paid by the city as provided in the ordinance of intention.

SEC. 7. A new section is hereby added to said act to be number thirty-three *a* and to read as follows:

Descrip-
tion by
reference
sufficient.

Section 33*a*. In all resolutions, notices, orders and determinations subsequent to the ordinance of intention a description of the assessment district by reference to the ordinance of intention shall be sufficient, and in all resolutions, notices, orders, and determinations subsequent to the "notice of street work" a description of the work by reference to the ordinance of intention shall be sufficient.

CHAPTER 249.

An act to amend section 4017 of the Political Code of the State of California, relating to consolidation of county offices.

[Approved May 22, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 4017 of the Political Code of the State of California is hereby amended to read as follows:

Consolidation
of
county
offices.

4017. In counties where the board of supervisors by proper ordinance so elect, except as otherwise provided in this title, the duties of certain of the offices mentioned in section four thousand thirteen are hereby consolidated as follows: sheriff and tax collector; auditor and recorder; county clerk, auditor and recorder; county clerk and recorder; county clerk and auditor; treasurer and tax collector; treasurer and recorder; assessor and tax collector; public administrator and coroner; district attorney and coroner; sheriff and public administrator.

CHAPTER 250.

An act authorizing and empowering any municipal corporation to which tide lands and submerged lands, situated within the limits thereof, have been granted by the State of California, to grant portions of such lands to the United States for public purposes and validating and confirming grants of such lands made by such municipal corporations to the United States.

[Approved May 28, 1913. In effect August 10, 1913.]

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

SECTION 1. Any municipal corporation to which tide lands and submerged lands situated within the boundaries thereof have been granted by the State of California, is hereby authorized and empowered to grant portions of such lands to the United States, for public purposes of the United States; *provided, however,* that no such grant shall be made unless authorized and approved by a vote of a majority of the electors of such municipal corporation voting upon the proposition of making such grant at an election therein, at which such proposition shall have been submitted.

Tide lands may be granted to United States by cities.

SEC. 2. Any grant heretofore made by any municipal corporation to the United States, of any portion of the tide lands or submerged lands, situated within the boundaries of such municipal corporation, which grant was authorized by a vote of the majority of the electors of such municipal corporation, voting upon the question of authorizing such grant, at an election held therein, is hereby confirmed, legalized and declared to be valid; and in any case where a proposed grant of such lands to the United States by a municipal corporation has heretofore been authorized by such vote, but such grant has not been made or completed, such municipal corporation is hereby authorized and empowered to make and complete such grant.

Former grants validated.

CHAPTER 251.

An act to add a new section to the Penal Code of the State of California to be known as section 532a, relating to the making and use of false statements for the purpose of obtaining property or credit, and prescribing the punishment therefor.

[Approved May 28, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered 532a, and to read as follows:

532a. Any person,

(1) Who shall knowingly make or cause to be made, either directly or indirectly, or through any agency whatsoever,

Making false statement of financial condition.

any false statement in writing, with intent that it shall be relied upon, respecting the financial condition, or means or ability to pay, of himself, or any other person, firm or corporation, in whom he is interested, or for whom he is acting, for the purpose of procuring in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or indorsement of a bill of exchange, or promissory note, for the benefit of either himself or of such person, firm or corporation ;

or

Benefiting
by false
statement.

(2) Who, knowing that a false statement in writing has been made, respecting the financial condition or means or ability to pay, of himself, or such person, firm or corporation in which he is interested, or for whom he is acting, procures, upon the faith thereof, for the benefit either of himself, or of such person, firm or corporation, either or any of the things of benefit mentioned in the first subdivision of this section ; or

Reaffirm-
ing false
statement.

(3) Who, knowing that a statement in writing has been made, respecting the financial condition or means or ability to pay of himself or such person, firm or corporation, in which he is interested, or for whom he is acting, represents on a later day in writing, that such statement theretofore made, if then again made on said day, would be then true, when in fact, said statement if then made would be false, and procures upon the faith thereof, for the benefit either of himself or of such person, firm or corporation, either or any of the things of benefit mentioned in the first subdivision of this section ; shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Misde-
meanor.

CHAPTER 252.

An act to amend section eight hundred fifty-seven of the Civil Code, relating to express trusts.

[Approved May 30, 1913. In effect August 10, 1913.]

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

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

Purposes
of express
trusts.

857. Express trusts may be created for any of the following purposes:

1. To sell and convey real property and to hold or reinvest or apply or dispose of the proceeds in accordance with the instrument creating the trust.

2. To mortgage or lease real property for the benefit of annuitants, or devisees or legatees, or other beneficiaries, or for the purpose of satisfying any charge thereon.

3. To receive the rents and profits of real property, and pay them to, or apply them to the use of any person, whether ascertained at the time of the creation of the trust or not, for himself or for his family during the life of such person, or for any shorter term, subject to the rules of title II of division II of part 1 of this code.

4. To receive the rents and profits of real property and to accumulate the same for the purposes and within the limits prescribed by the same title; or

5. To convey, partition, divide, distribute or allot real property in accordance with the instrument creating the trust, subject to the limitations of the same title.

CHAPTER 253.

An act to amend the Political Code of the State of California by adding thereto a new section to be known as and numbered 2167b, relating to and providing for the parole of mentally sick or psychopathic patients out of the lunacy court or the superior court sitting as a lunacy court in each county providing for the care, custody and maintenance of such psychopathic patients while on parole until recovered, and providing for psychopathic parole officers, fixing their salaries and providing for the payment thereof.

[Approved May 30, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby added to the Political Code of the State of California a new section to be known and numbered 2167b, to read as follows:

2167b. This act shall be known as the psychopathic parole act and shall apply to persons mentally sick and bordering on insanity but not dangerously insane.

1. The office of psychopathic probation officer may be created in any county in this state by the board of supervisors thereof. The psychopathic probation officers and deputy psychopathic probation officers to serve hereunder shall be nominated and appointed by the judge of the superior court by written order entered in the minutes of said court. The term of office of the psychopathic probation officers and deputy psychopathic probation officers shall be during the pleasure of the court and may at any time be removed by said court in its discretion. Such psychopathic officers shall devote their entire time and attention to the duties of their office. It shall be the duty of the clerk of said court before any mentally sick or insane person is brought before the court under the provisions of this act to notify one of the probation officers of said court.

2. The said psychopathic probation officer shall inquire into the antecedents, character, family history, environment and superinducing cause of the mental sickness or insanity of every

Psycho-
pathic
parole
act.

Offen-
may be
created
by super-
visors.

Duties.

alleged mentally sick or insane person brought before the court and shall make his report to the judge thereof, in writing or verbally in open court or in chambers as directed by the judge of said court. Every psychopathic probation officer, assistant psychopathic probation officer and deputy psychopathic probation officer shall have the powers of peace officers at any time at his or her discretion; such officer may bring any mentally sick or insane person committed to the care of such psychopathic probation officer before the court for such further other action as the court may deem proper.

Probation
officers.

3. In each county where the office of psychopathic parole officer has been created under the provisions of this act, the judge of the superior court shall have power to appoint two psychopathic probation officers, and as many deputies as may be convenient or necessary may from time to time be appointed by the judge of the superior court; *and, providing, further, that* such deputies shall serve without compensation. Each of said psychopathic probation officers shall receive such salary as may be determined upon by the board of supervisors, and the salaries of such psychopathic probation officers shall be paid out of the county treasury of the county of which they are appointed respectively and in the same manner as county officers.

Salary.

Expenses.

4. The psychopathic probation officers and deputy psychopathic probation officers shall be allowed such necessary incidental expenses as may be authorized by the judge of the superior court and the same shall be a charge upon the county in which the court appointing them has jurisdiction and said expenses shall be paid out of the county treasury upon a written order by the judge of the superior court, directing the county auditor to draw his warrant upon the county treasurer specifying the amount of such expenditure.

Persons
mentally
sick
cured for.

5. If on the examination as provided by law, the court finds a person to be mentally sick and bordering on insanity but not dangerously insane, the court may commit such persons to the care and custody of the psychopathic probation officer and may allow said persons to remain in the home of said persons subject to the visitation of a probation officer and be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable; or the court may commit the person so found to be mentally sick or bordering on insanity but not dangerously insane, to be placed in a suitable home, sanitarium or rest haven home, subject to the supervision of said psychopathic probation officer and the further order of the court; *provided, however,* that the reasonable cost in a sum to be fixed by the court at the time of the commitment, shall be defrayed out of the estate of the patient so committed or shall be a charge upon his relatives liable for such maintenance; *provided, however,* that if the patient is found to be indigent and without funds or relatives responsible for his maintenance able to pay such charge, then the same shall be a charge upon the county in

Cost.

which court has jurisdiction and said expense shall be paid out of the county treasury upon a written order of the judge of the superior court of said county, directing the county auditor to draw his warrant upon the county treasurer specifying the amount of such expense.

6. This act shall be liberally construed to the end that its purpose may be carried out, to wit: that the humane care and custody of the mentally sick or near-insane persons, as defined in this act, shall be provided for that restoration of such patients to a normal mental condition be as rapid as possible without committing said patient to an insane hospital. All acts and parts of acts in conflict herewith are hereby repealed.

PURPOSE
of act.

CHAPTER 254.

An act to amend an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, and amended by an act approved March 20, 1905, by amending sections one, four, eight and nine thereof, and by adding a new section thereto to be known as section 9a thereof relating to the consolidation of other county and municipal offices in counties organized under a charter framed under the provisions of section seven and one half of article XI of the constitution.

[Approved May 31, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one of an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices and to provide that their duties may be performed by certain officers of the county and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, and amended by an act approved March 20, 1905, is hereby amended to read as follows:

Section 1. Any municipal corporation or city in this state, except municipal corporations of the first class, shall have power to elect, by ordinance adopted by the board of trustees, common council, or other legislative body, or the electors, of

Levy and
collection
of city
tax by
county
officials
permitted.

such city or municipal corporation, that the duties of assessing property and collecting taxes provided by law to be performed by the assessor and the tax collector of such city or municipal corporation shall be performed by the county assessor and the county tax collector of the county in which such city or municipal corporation is situated. A certified copy of such ordinance shall be filed with the auditor of the county in which such city or municipal corporation is situated on or before the first Monday in the month of February immediately following the adoption of such ordinance, and thereafter all assessments made by the county assessor, as the same may be equalized or corrected by the board of supervisors or state board of equalization, shall be used as a basis for the levy of the taxes of such city or municipal corporation, and said taxes shall be collected by the assessor and tax collector of such county at the same time and in the manner county taxes are collected, until such city or municipal corporation shall by ordinance elect not to have such duties performed by said assessor and tax collector for any longer time. Whenever any city or municipal corporation shall elect to avail itself of the provisions of this act relative to assessments and collection of taxes, the board of trustees, common council or other legislative body of such city or municipal corporation shall have the power, and it shall be their duty, before making the levy provided to be made by section 4 hereof, to fix by ordinance the amount of money necessary to be raised by taxation upon the taxable property therein as a revenue to carry on the various departments of such municipal corporation or city for the current year, not to exceed the limit fixed by law, and to pay the bonded or other indebtedness of such municipal corporation or city, or any portion or district thereof; and, whenever, in any municipal corporation or city electing to avail itself of the provisions of this act relative to assessment and collection of taxes, there is any district or portion of said municipal corporation or city in which there must be levied a rate of taxation different from the rate to be levied in any other district or portion of such municipal corporation or city, the board of trustees, common council, or other legislative body of such municipal corporation or city shall cause to be filed on or before the first Monday of July of each year with the county auditor of the county in which such municipal corporation or city is situated, a description of the exterior boundaries of each district or portion of such municipal corporation or city in which there must be levied a rate different from the rate to be levied in any other district or portion of such municipal corporation or city, and the said county auditor shall transmit to the said board of trustees, common council or other legislative body, at the same time that he shall transmit a statement in writing of the total assessed valuation of all property within said municipal corporation or city, as required by section 3 hereof, a statement in writing showing separately the total assessed valuation of all property in each of said districts or portions of such municipal corporation or city.

To fix
amount
to be
raised.

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

Section 4. Each board of trustees, common council, or other legislative body of such city or municipal corporation, shall, not later than the last Tuesday in August of each year, fix the rate of taxes, or rates of taxes, if different portions or districts require different rates, designated in the number of cents upon each one hundred dollars, using as a basis the value of the property as assessed by the county assessor as the same may be equalized, and so returned to such board by the county auditor as required by section three of this act, which rate, or rates, of taxation shall be sufficient to raise the amount so fixed by such board as required by section one of this act, and the expense of collection, which acts by said board are declared to be a valid assessment of such property and a valid levy of such rates so fixed. Such city or municipal board must immediately thereafter transmit to the county auditor of the county in which such city or municipal corporation is situated a statement of such rate or rates so fixed by said body.

Rates fixed each year.

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

Section 8. Whenever any municipal corporation or city shall have availed itself of the provisions of this act relative to assessments and collection of taxes, all duties other than the assessing of the property of such city or municipal corporation theretofore performed by the city assessor shall be transferred to, and be performed by, the clerk of such city or municipal corporation, or such other officer as such city or municipal corporation by ordinance shall determine, and all duties other than the collection of taxes theretofore performed by the city tax collector shall be transferred to, and be performed by, the city marshal or chief of police of such city or municipal corporation, or such other officer as such city or municipal corporation shall by ordinance determine; and thereafter the offices of city assessor and tax collector may by ordinance be abolished. And whenever any city or municipal corporation shall have availed itself of the provisions of section 2 of this act the office of city treasurer may be by ordinance abolished.

Duties of assessor and collector transferred.

Offices abolished.

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

Section 9. The collection of unpaid taxes levied on any property by any city or municipal corporation that shall have elected to avail itself of the provisions of this act relative to assessments and collection of taxes, shall be enforced by the sale of such property in the same manner and at the same time, and upon the same penalties, as property sold for non-payment of county taxes, and real property so sold may be redeemed within the same time and upon the same terms as property sold for the non-payment of county taxes; and whenever any real property situate in such city or municipal corporation has been sold for taxes and has been redeemed, the money paid for such redemption shall be apportioned by the county auditor

Collection of unpaid taxes.

to such city or municipal corporation in the proportion which the tax due such city or municipal corporation bears to the total tax for which such real property was sold.

SEC. 5. A new section is hereby added to said act to read as follows:

Consolidation of offices with counties under charter.

Section 9a. Any county organized under a charter for its own government, framed under the provisions of section seven and one half of article XI of the constitution of the State of California; or any city or town situated within said county, organized or incorporated under the provisions of section six of said article; or any city or town situated within said county heretofore or hereafter organized by charter authorized by section eight of said article shall have the power to prescribe, whenever such county charter so provides and the said county consents thereto, such other consolidation of county and municipal officers and the assumption and discharge of such functions thereof, as may be consistent with, and subject to said constitution.

CHAPTER 255.

An act to provide for the registration of factories, workshops, mills and other manufacturing establishments.

[Approved June 2, 1913. In effect August 10, 1913.]

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

Registration of factories.

SECTION 1. The owner of any factory, workshop, mill or other manufacturing establishment, where five or more persons are employed, shall register such factory, workshop, mill or other manufacturing establishment with the bureau of labor statistics, giving the name of the owner, the name under which the business is carried on, the location of the plant, the address of the general offices or principal place of business and such other information as the commissioner of labor shall require. Such registration of existing factories, workshops, mills or other manufacturing establishments shall be made on or before January 1, 1914. All factories, workshops, mills or other manufacturing establishments hereafter established shall be so registered within thirty days after the commencement of business. Within thirty days after a change in the location of a factory, workshop, mill or other manufacturing establishment the owner thereof shall file with the commissioner of the bureau of labor statistics the new address.

Enforcement of act.

SEC. 2. The bureau of labor statistics shall enforce the provisions of this act. The commissioner, his deputies and agents, shall have all the powers and authority of sheriffs or other peace officers, to make arrests for violations of the provisions of this act, and to serve any process or notice throughout the state.

Penalty.

SEC. 3. Any person, firm or corporation who violates or omits to comply with the provisions of this act is guilty of a

misdeemeanor, and shall upon conviction thereof, be punished by a fine of not less than twenty-five dollars or more than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment. All fines imposed and collected under the provisions of this act shall be paid into the state treasury and credited to the contingent fund of the bureau of labor statistics.

CHAPTER 256.

An act to permit counties to acquire rights of way for state highways and to pay part of the expense of constructing state highways and bridges within their limits and authorizing the state to accept the same.

[Approved June 3, 1913. In effect August 10, 1913.]

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

SECTION 1. Whenever it is determined by a four-fifths vote of the board of supervisors of any county that the interests of the county would be promoted thereby, the board of supervisors, upon the recommendation of the advisory board of the department of engineering of the State of California, may, by resolution passed by a four-fifths vote of said county board, determine to acquire by purchase, donation or dedication, or lease any right of way, rock quarry or land needed for state highway purposes and described in such recommendation, and shall proceed, if necessary, to condemn under the provisions of the Code of Civil Procedure relating to such proceedings any right of way, rock quarry or land recommended to be acquired as aforesaid. The title to such property may be taken in the name of the state or the county. The order of the board of supervisors shall be the only preliminary procedure required prior to the acquisition of such property or the commencement of such condemnation action or actions.

Acquisition of rights of way and rock quarries for state highways authorized.

SEC. 2. Whenever it is determined by a four-fifths vote of the board of supervisors of any county that the interests of the county would be promoted thereby, the board of supervisors may, upon the written request of the advisory board of the department of engineering of the State of California, by resolution passed by a four-fifths vote of said county board, determine to contribute bridges, fencing, money, labor, materials and other appurtenances toward the expenses of constructing state highways within their limits.

Counties may contribute bridges, etc.

SEC. 3. The cost of such acquisition of property mentioned in section one of this act and the contributing of bridges, fencing, money, labor, materials, or other appurtenances mentioned in section two of this act may be charged to the general county fund, the general road fund or the district fund of the district or districts benefited.

Cost charged to general fund.

SEC. 4. The state is hereby authorized to receive and use the benefits provided under this act, and any money contributed

State authorized to receive.

by a county shall be paid into the state fund designated by the board of supervisors in the resolution determining such donation.

CHAPTER 257.

An act authorizing municipalities to grant permits for the construction and maintenance of passageways or other structures under or over public alleys for the purpose of connecting buildings located on abutting property.

[Approved June 4, 1913. In effect August 10, 1913.]

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

Passageways over alleys permitted.

SECTION 1. Whenever the legislative body of any municipality in this state shall determine that the public interest or convenience require the construction and the maintenance of passageways or other structures under or over any public alley or alleys in such municipality, for the purpose of connecting buildings located on abutting property and facilitating the public use of the street or streets with which such alley or alleys connect, such legislative body shall have power to grant permits for the construction and maintenance of such passageways or other structures. Such passageways or other structures shall be so constructed and maintained as not to interfere with public traffic on the surface of the alley, and the use of such passageways or other structures shall at all times be subject to the regulation and control of the municipality. Each such permit shall be revocable at the pleasure of the legislative body.

CHAPTER 258.

An act authorizing counties, cities and counties and municipalities to levy a tax necessary to pay principal and interest on bonds authorized and unsold at the time the annual tax levy is made.

[Approved June 4, 1913. In effect August 10, 1913.]

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

Tax levy for interest on unsold bonds.

SECTION 1. The legislative body of any county, city and county or municipal corporation, at the time of the fixing of the annual tax levy shall estimate the amount of money required to meet the payment of the principal and interest on any bonds the issuance of which may have been authorized by the electors, and which have not been sold but which in the judgment of the legislative body will be sold prior to the making of the next subsequent tax levy, and may levy a tax sufficient to raise the money to pay the principal and interest so estimated. In case any bonds are declared invalid or for any reason are not issued, any tax levied as herein provided shall be refunded.

CHAPTER 259.

An act to amend sections eleven and eighteen of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, relating to the duties of supervisors, the fixing of rates to be paid, and the disposition of property on dissolution of district.

[Approved June 4, 1913. In effect August 10, 1913.]

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

SECTION 1. Section eleven of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, is hereby amended to read as follows:

Section 11. The board of supervisors of the county wherein lighting districts have been established under the provisions of this act, shall be and they are hereby designated as and empowered to act as ex officio the board of supervisors of each and all of such lighting districts which may hereafter be established within such county under the provisions of this act; serving without compensation; and said boards of supervisors shall be authorized and they are hereby empowered, and it shall be their duty:

Super-
visors to
act for
lighting
districts.

First—To make all rules, regulations and laws necessary for the administration, operation and maintenance of the lighting districts situated within their county.

Powers
and
duties.

Second—To supervise, and plan a system of street illumination for any and all lighting districts within their county, and to determine and decide upon the kind and manner of illuminant most feasible for the district; but nothing herein shall prevent the board of supervisors from installing and maintaining electric lights on highways in such districts, and to pay for the same out of the general road fund of the county or district road fund.

Third—To indicate the placing and installation of the lights and any and all subsequent additional lights.

Fourth—To receive bids, award and make contracts with lighting companies to the very best advantage of the district, for the installation and maintenance of poles, wires, lights and other accessories; and for the supplying of electric current,

Powers
and
duties.

gas, or such other illuminant as may be determined upon; and for any and all other things that may be necessary to carry out the full meaning and provisions of this act.

Fifth—To determine the number of employecs, if any, necessary to properly care for and maintain the lights; to prescribe their duties and fix their compensation, which said employecs shall hold their positions at the pleasure of the board.

Sixth—Upon the application, by petition, of twenty-five or more taxpayers and residents of such lighting district, asking for the installation and maintenance of additional lights, which said petition must be filed on or before the first day of September in any year; to immediately estimate the cost of installing and maintaining such additional lights, and to include in the tax levy for the ensuing fiscal year a tax upon the taxable property within such lighting district, at the equalized value thereof for that year, sufficient to pay the cost of installing and maintaining such additional lights; after which to proceed with the installation of such additional lights.

Seventh—To designate the hours for lighting such districts.

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

Advertis-
ing for
bids, etc.

Ninth—To, within ten days after the establishment of such district, proceed with carrying out the provisions of this act by advertising for bids for installing, caring for and maintaining the lights determined upon; and for supplying the district with all the gas, electricity or such other illuminant as has been determined upon, necessary for operating and maintaining any and all of the lights which have been already installed or which are to be installed within such district. The contract to be awarded to the lowest responsible bidder; *provided, however,* that the rates to be paid therefor must not exceed in any event the rates paid at that time by said county for highway lighting in other portions of said county. The rates to be paid must not be fixed for a term exceeding five years, and the board of supervisors must reserve the right to abrogate such contract whenever gas or electric current is offered to be supplied at two thirds of such fixed contract price.

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

Dissolu-
tion.

Section 18. The district may at any time be dissolved upon the vote of two thirds of the qualified electors thereof, at an election called by the board of supervisors, upon the question of dissolution. Upon a petition signed by fifty or more property owners and residents of such lighting district, asking for the dissolution of said district, the board of supervisors shall within thirty days after receiving said petition, by resolution, order that an election be held in the said district, for the determination of the question, and appoint three qualified electors thereof to conduct said election. Such election shall be called and conducted in the same manner as other elections of the district. Upon such dissolution, any property which may have been acquired by such lighting district shall vest in

Petition.

Election.

Disposi-
tion of
property.

any incorporated town or city where said lighting district shall be wholly within, or be identical with the corporate limits of such incorporated town or city; and the property in the territory of said district outside of the limits of such incorporated town or city shall vest in the county board of supervisors; and if there be no such incorporated town or city, then such property shall vest in the board of supervisors of the county wherein such lighting district is situated until the formation of such incorporated town or city; *provided, however*, that if at the time of the election to dissolve such district there be any outstanding indebtedness of such district, then, in such event, the vote to dissolve such district shall dissolve the same for all purposes excepting only the levy and collection of taxes for the payment of such outstanding indebtedness of such district; and from the time such district is thus dissolved until such indebtedness is fully paid, satisfied and discharged, the legislative authority of such incorporated town or city, or the board of supervisors, if there be no such incorporated town or city, is hereby constituted ex officio the board of supervisors of such district. And it is hereby made obligatory upon such board to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness, as herein provided.

Outstanding indebtedness.

CHAPTER 260.

An act to provide one additional judge of the superior court of the county of Contra Costa.

[Approved June 4, 1913. In effect August 10, 1913.]

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

SECTION 1. The number of judges of the superior court of the county of Contra Costa is hereby increased so that on and after the first Monday in January, A. D. 1915, there shall be two judges of said superior court in the said county of Contra Costa.

Judges in Contra Costa county increased.

SEC. 2. At the next general election to be held in November, A. D. 1914, there shall be elected in said county of Contra Costa, in addition to the judge of said superior court of said county of Contra Costa now provided by the constitution of this state for said county of Contra Costa, another judge of said superior court in said county to hold office beginning on the first Monday in January, A. D. 1915, for the term prescribed by the constitution and laws of this state, so that after the first Monday in January, 1915, there shall be two judges for said county.

Additional judge elected in 1914.

SEC. 3. The salary of said one additional judge shall be the same in amount, and shall be paid at the same time and in the same manner as the salary of the other judge of the superior court of said county now authorized by law.

Salary.

CHAPTER 261.

An act to provide for the incorporation and organization of public utility districts, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts.

[Approved June 5, 1913. In effect August 10, 1913.]

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

Organiza-
tion of
public
utility
districts.

SECTION 1. A public utility district may be organized, incorporated and managed as herein provided, and may exercise the powers herein expressly granted, or reasonably implied therefrom. Such a district may include municipalities only or both incorporated and unincorporated territory, whether such municipalities or such territory are in the same or in different counties, but no municipal corporation shall be divided in the formation of such a district.

Ordinance.

SEC. 2. When any municipality in the State of California desires to organize such a public utility district as herein provided for, the legislative body of such municipal corporation at any regular meeting of such body may pass an ordinance reciting:

1. The name of the city adopting the ordinance.

2. That the public interest requires the incorporation of a public utility district.

3. The boundaries of the proposed district, and the names of the municipalities included within the proposed district. If such proposed district includes only municipalities, it shall be sufficient to state the names thereof without further setting forth the boundaries of the district.

4. The name of the district which shall include the words "public utility district."

5. An estimate of the preliminary costs and expenses of organizing the proposed district, and a proposed apportionment of the aggregate of such costs and expenses among the municipalities to be included within the district.

Notice
to other
cities.
included.

SEC. 3. Within ten days after such ordinance becomes a law, the clerk of the said legislative body adopting the same, shall transmit by registered mail a certified copy thereof to the legislative body of the other municipalities named therein, addressed to the clerk thereof, and also to the board of supervisors of any county, unincorporated territory of which is proposed to be included within such district, addressed to the clerk thereof.

Approval
of ordi-
nance by
other
cities.

SEC. 4. Within forty days after the receipt of such certified copy of such ordinance by any municipality named therein, or by any board of supervisors of any county, unincorporated territory of which is proposed to be included in such district, the legislative body of such municipality and the board of

supervisors of such county shall, by ordinance, either approve or disapprove the said ordinance without alteration or amendment. A failure on the part of any municipality or of any board of supervisors of any county to act as herein provided, shall be deemed a refusal to approve such ordinance.

SEC. 5. After the passage and going into effect of said ordinance required to be passed by section 4 hereof, the clerk of the municipality or of the board of supervisors acting thereon, shall forthwith forward a certified copy of such ordinance to the municipality initiating the proceedings. Notice to city initiating.

SEC. 6. Within thirty days after the receipt of all of said ordinances, if it shall appear that said initiatory ordinance has been approved by all of the municipalities named therein and by all such boards of supervisors, the legislative body of the municipality initiating the proceedings shall fix a day for holding a special election in each of the municipalities that have approved of said ordinance and in the unincorporated territory proposed to be included in such district, at which shall be submitted to the electors thereof the proposition of organizing such public utility district, and shall also provide for holding a similar election within its own municipality. In case the initiatory ordinance has not been approved by all of the municipalities and by all the boards of supervisors no further proceedings shall be had but new proceedings may be taken as provided in section 2 hereof. Special election.

SEC. 7. The date for such special election shall be certified to all of the municipalities and boards of supervisors which have adopted the ordinance herein provided for, and the legislative body of each such municipality and each of the boards of supervisors which have approved said ordinance, shall call and provide for the holding of a special election in their respective municipalities, and in the unincorporated territory, on the day so fixed, and such an election shall be held and conducted in the manner and form required by law for the holding of special elections within such municipalities and counties, respectively. The election in the unincorporated territory proposed to be included in such district shall be confined to the limits thereof. Prior to the holding of said election the municipalities named in such ordinance shall pay to the municipality initiating such proceedings, the amount apportioned to it for preliminary costs and expenses by the ordinance provided for in section 2 hereof. The cost of holding such election shall be paid by the municipality initiating such proceedings, from moneys received as herein provided. Each municipality contributing money as herein provided, shall be entitled to credit with the district for the amount of its contribution. The ballot used at such election shall contain the words "Proposition to organize a public utility district," or words of similar purport, and the words "Yes" and "No" so placed that a voter may indicate his wish in this connection as either in favor of or against said proposition. Date of election.

Such ballots shall be counted and returns thereof made by the Apportionment of costs.

Ballot.

Canvass of votes.

boards selected to conduct such election in the time, form and manner as required by law for the holding of special elections within the municipalities and counties respectively in which held, and shall be canvassed and the result thereof declared and determined by the board or officers charged with such duties within the municipalities and counties respectively holding the elections.

Certificate of results.

SEC. 8. Within ten days after the canvass of votes cast at such election, the boards or officers canvassing the same shall certify the result thereof to the legislative body of the municipality initiating the proceedings.

Certificate to secretary of state.

SEC. 9. Within thirty days after the receipt of the certificates showing the result of the election held in the several municipalities and in unincorporated territory, if it appears therefrom that the proposition submitted has been approved by a majority of the votes cast thereon in each municipality wherein such election is held, and in the unincorporated territory in each county wherein such an election is held, the legislative body of the municipality receiving such certificates shall certify to the secretary of state the passage of the ordinance provided for in section 2 hereof, its subsequent approval by the several municipalities and boards of supervisors approving the same in the manner aforesaid, and the result of the election held as herein provided.

Secretary of state to issue certificate of organization.

SEC. 10. Upon the receipt of the certificate mentioned in the foregoing section, the secretary of state shall, within ten days, issue his certificate reciting that the public utility district (naming it) has been duly incorporated according to the laws of the State of California, and that such district is composed of the municipalities of ----- (naming all the municipalities which have approved at the election such organization), and of unincorporated territory (describing the same). A copy of such certificate shall be transmitted to each of the municipalities comprising such district and to the board or boards of supervisors of the county or counties, unincorporated territory of which is included in such district. From and after the date of such certificate, the district named therein shall be deemed incorporated as a public utility district with all the rights, privileges and powers set forth in this act and reasonably or necessarily incident thereto.

Informality not to invalidate.

SEC. 11. No informality in any proceedings, or informality in the conduct of any election, not substantially affecting adversely the legal rights of any citizen shall be held to invalidate the incorporation of any public utility district and any proceedings wherein the validity of such incorporation is denied or questioned shall be commenced within three months from the date of the certificate of incorporation, otherwise said incorporation and the legal existence of said public utility district and all proceedings in respect thereto, shall be held to be valid and in every respect legal and incontestible.

Powers of district.

SEC. 12. Any public utility district incorporated as herein provided, shall have power:

1. To have perpetual succession.

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

3. To adopt a seal and alter it at pleasure.

4. To take by grant, purchase, gift, devise or lease, hold, enjoy and to lease or dispose of real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers.

5. To acquire, construct, own, operate, control or use within or without, or partly within and partly without the district, works for supplying the inhabitants of said district with light, water, power, heat, transportation, telephone service or other means of communication, or for the disposition of garbage, sewage, storm water or refuse matter, or parks, and do all things necessary or convenient to the full exercise of the powers herein granted.

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

Right of eminent domain.

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

Works on streets.

8. To borrow money and incur indebtedness and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the district or property thereof; *provided, however*, the incurring of any indebtedness or liability shall be subject to the provisions of section 18, of article XI of the constitution; *and provided, further*, no district shall incur any indebtedness which shall in the aggregate exceed fifteen (15) per cent of the assessed value of all real and personal property included within the district.

Borrow money.

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

Levy taxes.

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

Employ labor.

SEC. 13. The powers herein enumerated shall, except as herein otherwise provided, be exercised by a board to be

Board of directors.

known as the board of directors of the named public utility district. Such board shall be composed as follows:

Members.

1. The mayor, or if there be no mayor then the president or chairman of the board of trustees or other governing body, of each municipality comprising the district, and the chairman of the board of supervisors of the county, unincorporated territory of which is included within the district, shall be ex officio a member of said board.

Additional directors.

2. Each municipality having at least five thousand legal and registered voters shall choose by and from the members of its legislative body, one additional director and each municipality for each and every ten thousand legal and registered voters over five thousand, shall choose by and from the members of its legislative body one additional director, all of whom shall serve during the pleasure of the body making the appointment; *provided*, that if any such member does not desire to serve as such director, said legislative body may choose any other person who is an elector and resident of such municipality; *and provided, further*, that if the number of the members of any such legislative body be less than the number of directors such municipality may be entitled to, then such legislative body may choose directors from the qualified electors of the municipality. When the unincorporated territory of any county included within the district shall have at least five thousand legal and registered voters the board of supervisors of such county shall choose by and from the members thereof one additional director, and for each and every ten thousand legal and registered voters over five thousand shall choose by and from its members one additional director, all of whom shall serve during the pleasure of the body making the appointment; *provided*, that if any such member does not desire to serve as such director said body may choose any other person who is an elector and resident of such unincorporated territory included within such district. The number of legal and registered voters in each municipality on the first day of November, 1912, and every two years thereafter, shall be taken as the basis for determining the representation of such municipality in the board of directors. The same shall hold true in determining the representation of unincorporated territory in such board of directors.

First meeting.

SEC. 14. The legislative body of the municipality initiating the proceedings for incorporating the district shall fix a time and place for the first meeting of the board of directors, which shall be within thirty days from the date of the incorporation of the district.

Commissioners of district.

SEC. 15. At such meeting of the directors or at such time to which the proceedings may be continued, the board of directors shall choose three commissioners who shall constitute the commissioners of the named public utility district, but no director shall be eligible to appointment to such commission. The said commissioners shall have the power to make and enter into all contracts, appoint a secretary, who may be a member

Powers.

of the commission, and such other assistants and employees as may be necessary for the exercise of the powers of the district, to fix their compensation, prescribe their duties and remove any appointee at pleasure, and to generally manage its affairs, subject to such restrictions as the board of directors may impose. The commissioners shall receive such compensation as the board of directors shall determine and shall serve during its pleasure.

SEC. 16. The board shall elect one of its number president, President, secretary and expenses of board. adopt rules of procedure and fix a time and place for holding regular meetings. The secretary of the commission shall act as secretary of the board of directors. The directors shall receive for each day's attendance at the meetings of the board their necessary expenses of attending the meeting and shall receive no other compensation.

SEC. 17. The commissioners shall elect one of its members President, auditor, etc., of commissioners. president, who shall sign all contracts on behalf of the district and perform such other duties as may be imposed by the commissioners or the board of directors. They shall appoint an auditor, who shall not be a member of the board of directors, and who shall be charged with the duty of installing and maintaining a system of auditing and accounting that shall completely and at all times show the financial condition of the district. He shall draw warrants to pay demands made against the district when such demands have been first approved by at least two of the commissioners. The commissioners shall also designate a depository or depositaries to have the custody of the funds of the district, all of which depositaries shall give security sufficient to secure the district against possible loss, and who shall pay the warrants drawn by the auditor for demands against the district under such rules as the directors may prescribe. Depositaries of funds.

SEC. 18. Whenever the board of directors deem it necessary Bonds. for the district to incur a bonded indebtedness it shall, by resolution, so declare and state the purpose for which the proposed debt is to be incurred and the amount thereof, and it shall direct the commissioners to take, or cause to be taken, such proceedings as may be necessary to incur such debt and in the manner herein provided.

SEC. 19. The commissioners shall adopt a resolution reciting the adoption of the resolution mentioned in the foregoing section, state the proposition to be submitted to the electors, the amount of debt proposed to be incurred, the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed forty years, and the maximum rate of interest to be paid, which shall not exceed six per cent per annum. They shall fix a date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred, and shall transmit a certified copy of the resolution fixing such date to the officers or board having charge of the conduct of elections of each municipality comprising the district and to the board of supervisors of any county, unincorporated territory of which is included within the district. Resolution as to bonds. Election.

- Notice. It shall be the duty of such board or officers in each municipality and in each county, to provide for holding such special election on the day so fixed and in the manner and form as special elections are held and conducted within the municipality and county respectively. Such board or officers shall give notice of the holding of such election, which notice shall contain the resolution adopted by the commissioners of the public utility district, the location of polling places and the names of the officers selected to conduct the election, which shall consist of one judge, one inspector and two clerks. Such notice shall be published for two insertions, once a week, for two successive weeks, in a newspaper of general circulation published in each municipality, or if there is no newspaper printed in such municipality then by posting such notice in three public places therein. The board of supervisors shall also cause such notice to be published in a like manner in a paper in which the official printing is done. All the expenses of holding such election shall be borne by the district and shall be paid or credited to each city and county upon the filing of a verified claim therefor, with the secretary of the commission.
- Publication. The returns of such election shall be made, the votes canvassed and the results thereof ascertained and declared as in the case of other special elections within such municipalities and counties respectively. The board or officers declaring the result of such election shall certify such result to the commissioners of the district. No irregularities or informalities in conducting such election shall invalidate the same if the election shall have otherwise been fairly conducted. In all respects not otherwise provided for herein, said election shall be called, managed and directed as is by law provided for special elections in the municipality and county respectively in which such election is to be held.
- Expenses. **SEC. 20.** If from such returns it appears that two thirds or more of the votes cast at such election were in favor of and assented to the incurring of such indebtedness, then the commissioners may, by resolution, at such time or times as they may deem proper, provide for the form of such bonds and for the issuance of the whole or any part thereof, and may sell or dispose of the bonds so issued at such times or in such manner as they may deem to the public interest, but no bonds shall be sold for less than their par value. The proceeds of such bonds shall be applied exclusively to the purposes and objects mentioned in the resolution of the commissioners calling the election. It shall be competent for the commissioners in the resolution herein provided for, to provide for the payment of said bonds and interest thereon at any place or places designated in the bonds.
- Canvass. **SEC. 21.** Any bonds issued by any district are hereby given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the State of California.
- Two-thirds vote necessary. **SEC. 22.** The board of directors may at any time within
- Sold at par. Bonds exempt from taxation.

sixty days from the date of the resolution provided for by section 20 hereof, cause to be brought in the name of the district an action in the superior court of the county in which said district or the greater portion thereof is located, to determine the validity of any such bonds. Such action shall be in the nature of a proceeding *in rem*, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Any one interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such bonds. Such action shall be speedily tried and judgment rendered declaring such bonds to be valid or invalid. Either party may have the right to appeal to the supreme court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. After the expiration of ninety days from the date of the resolution provided for by section 20 hereof no action may be brought to contest or question the validity of said bonds and proceedings thereto. If there be more than one action or proceeding involving the validity of any such bonds, they shall be consolidated and tried together. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of such bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of the notice of intention. The costs on any proceeding or action herein provided for may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court.

Action to determine validity.

Jurisdiction.

Appeal.

Consolidation of actions.

Rules of pleading.

Costs.

SEC. 23. For the purposes of this act, the works authorized to be acquired, owned or operated by the district (except parks and works for the disposition of storm waters) are declared to be revenue producing utilities. So far as possible the commissioners shall fix such charges for commodities or service furnished by any revenue producing utility as will pay the operating expenses of the utility, the interest on any bonded debt incurred for the acquisition or construction thereof and provide a sinking or other appropriate fund for the payment of the principal of such debt as it may become due; it being the intention of this section that the district pay the interest and principal of its bonded debt incurred for the acquisition

Revenue producing utilities.

Contracts
with
cities.

of any revenue producing utility from the revenues derived by the district from such utility. The commissioners so far as the nature of the utility will permit, shall, before any bonded indebtedness is incurred for the construction or acquisition of any revenue producing utility, enter into appropriate contracts with the respective municipalities proposed to be served by such utility providing for the use thereof by the respective municipalities during the life of the bonds proposed to be issued. The district and the municipalities included therein are hereby expressly authorized to enter into such contracts.

Cities may
advance
funds.

SEC. 24. At any time after the initiation of proceedings for the organization of a public utility district, or at any time after the organization of such a district, any municipality proposed to be included within the said district, or included therein, may advance to the municipality initiating proceedings, or to the district, funds to meet the expenses of organization or the expenses of carrying on the work of the district as the case may be, and if the district is formed and its purposes carried out any such municipality so advancing funds shall be entitled to credit with the district for the amounts so advanced.

Tax, when
revenues
are insuffi-
cient.

SEC. 25. If from any cause the revenues of the district shall be inadequate to pay the principal or interest on any bonded debt as it becomes due, or if funds are needed to carry out the objects and purposes of the district, then the board of directors may cause a tax to be levied for such purposes as herein provided. The board shall state the purposes for which such taxes are necessary.

Rate
fixed.

SEC. 26. The board of directors shall determine the amount necessary to be raised by taxation and shall fix a rate of tax to be levied which will raise the amount of money required by the district. The commissioners shall thereupon, and within a reasonable time previous to the time for the fixing of the tax rate of the county or counties in which said district is located, certify to the board or boards of supervisors the rate so fixed with a direction that at the time and in the manner required by law for the levying of taxes for county purposes, such board or boards of supervisors shall levy and collect a tax in addition to such other tax as may be levied by such board or boards of supervisors at the rate so fixed and determined, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required.

Duty of
county
officers.

And it shall be the duty of all county officers charged with the duty of collecting taxes, to collect such tax in time, form and manner, as county taxes are collected and when collected, to pay the same to the district ordering its levy and collection. Such tax shall be a lien on all property within the territory comprising the district and of the same force and effect as other liens for taxes, and its collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes. Any county collecting taxes as herein pro-

Compensa-
tion for
collecting.

vided shall be entitled to not to exceed one half of one per cent of the amount collected as compensation therefor.

SEC. 27. The works and property of the district shall be exempt from taxation for state, county or municipal purposes.

Works
exempt
from
taxation.

SEC. 28. Any commissioner may be recalled by the electors of the district at any time after he has held office for six months, in the manner herein provided. A petition demanding the appointment of a successor to the commissioner sought to be recalled shall be filed with the board of directors, which petition shall be signed by qualified voters equal in number to at least fifteen per cent of the entire vote cast within the district for all candidates for the office of governor of the state at the last preceding election at which a governor was chosen, and shall contain a statement of the grounds on which the recall is sought. No insufficiency of form or substance in such statement shall effect the validity of the election or proceedings held thereunder. Signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his occupation and place of residence, giving street and number, or if no street or number exists, then such a designation of his residence as will enable the locality to be readily ascertained. To each separate paper of such petition shall be attached an affidavit made by a qualified elector of the district stating that the affiant circulated that particular paper and saw written the signatures appended thereto and that, according to the information and belief of the affiant each of said signatures is genuine and the signature of a qualified elector of the district. Within twenty days from the date of the filing of such petition the board of directors shall remove the commissioner whose recall is sought, or shall direct its secretary to determine from the records of registration whether or not said petition is signed by the requisite number of qualified voters. If such direction is made the secretary shall, within fifteen days from the date of such direction, determine the sufficiency of said petition and attach thereto his certificate showing whether or not said petition is sufficient. If the petition shall be found to be sufficient the board of directors shall cause a special election to be held not less than thirty-five nor more than sixty days after the date of such certificate, to determine whether the voters shall recall such officer. Such election shall be called, held, and the result thereof determined in the manner provided by law for the holding of special elections in the county in which said district or the largest portion thereof is included. One petition is sufficient to propose the recall of one or more of the commissioners. Upon the sample ballot shall be printed in not more than two hundred words, the grounds set forth in the recall petition for demanding the recall of the officer, and upon such ballot in not more than two hundred words the officer may justify himself. There shall be printed on the recall ballot as to every officer whose recall is to be voted on, the following question: "Shall (name of person against whom the recall

Recall
of commis-
sioners.

Signa-
tures.

Affidavit.

Directors
may
remove
commis-
sioner.

Election.

Grounds
for
recall.

Ballot.

petition is filed) be recalled from the office of (title of office) ?" following which shall be the words "Yes" and "No" on separate lines with a blank space at the right of each in which the voters shall, by stamping a cross (X), indicate his vote for or against such recall. If a majority of those voting on said question of the recall of any incumbent shall vote "No," said incumbent shall continue in said office. If a majority vote "Yes," said incumbent shall thereupon be deemed removed from such office upon the qualification of his successor. No commissioner who has been removed by the board of directors upon the recall petition being filed with such board, or who has been recalled, shall again be eligible to appointment as a commissioner.

Action only after claim is rejected.

SEC. 29. No suit shall be brought against the district on any claim for money or damages until a claim or demand therefor, setting forth with reasonable certainty the nature and various items of the claim or demand and verified by the claimant, or his authorized agent, has been presented to the commissioners and rejected in whole or in part.

Definitions.

SEC. 30. The term "municipality" as herein used shall be deemed, and is hereby declared to include any city and county or incorporated city or town. The word "district" as herein used, shall be deemed, and is hereby declared to mean a public utility district formed under the provisions of this act. The word "board" and the expression "board of directors," as herein used, shall be deemed, and are hereby declared to mean the board of directors of a public utility district. The word "commissioners" as herein used shall be deemed, and is hereby declared to mean the commissioners of a public utility district formed under the provisions of this act, and the commissioners shall be regarded as a board of commissioners. The expression "unincorporated territory" as herein used shall be deemed, and is hereby declared to mean territory not included within the corporate limits of any municipality.

How construed.

SEC. 31. This act and each and every provision thereof shall be liberally construed to carry out the purposes hereof. The rule of strict construction is hereby expressly declared to be inapplicable. The provisions of this act shall be deemed to be directory and not mandatory, except where it shall appear that this construction will work substantial injustice.

Intention of act.

SEC. 32. It is intended by this act to provide necessary machinery whereby municipalities and communities may act jointly in effecting public improvements and acquiring and operating works, the effecting, acquiring or carrying on of which by such cities or communities separately would be impracticable or disadvantageous by reason of the magnitude of such improvements or works, or the cost thereof, or by reason of the fact that said improvements or works are of common benefit to a series of cities or communities. It is not intended that a district formed hereunder shall construct or operate public improvements or works of a local character.

SEC. 33. This act shall not be deemed to repeal any other act dealing with the same subject-matter or any portion of the matters herein covered.

CHAPTER 262.

An act reappropriating nine hundred and sixty-four dollars and ninety-eight cents from the unexpended balance of the fund created by an act of the legislature of the State of California, entitled "An act making an appropriation for the expenses of the national guard in case of insurrection, invasion, tumult, riot, or imminent danger thereof," approved April 12, 1909, to pay national guardsmen for services rendered at Ocean Park fire in September, 1912.

[Approved June 5, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of nine hundred and sixty-four dollars and ninety-eight cents is hereby reappropriated from the unexpended balance of a fund created by an act of the legislature of the State of California, entitled "An act making an appropriation for the expenses of the national guard in case of insurrection, invasion, tumult, riot, or imminent danger thereof," approved April 12, 1909, to pay national guardsmen of the State of California for services rendered at the conflagration at Ocean Park, California, during the month of September, 1912.

Appropriation: services, national guardsmen at Ocean Park.

CHAPTER 263.

An act providing for the construction and maintenance by the state of state aid highways in counties and towns.

[Approved June 5, 1913. In effect August 10, 1913.]

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

SECTION 1. The board of supervisors of any county may on a not less than four-fifths vote of such board or governing body, petition the state department of engineering, hereinafter in this act called department, upon forms prepared by said department, or under its direction to have any main public highway in the said county, or town improved and maintained under the provisions of this act. Such petition shall contain a detailed description of the highway petitioned to be improved, a statement as to whether or not the rights of way for the said highway have been secured by the public; a statement of the kind of construction work with which it is sought to have the highway improved, and such other information and data as the department may prescribe.

Supervisors may petition that highway be improved by department of engineering.

Consideration of petition.

SEC. 2. Upon receipt of such a petition the department shall give careful consideration to the matters contained therein, and may authorize the body filing the petition to file an amended or modified petition conforming to such regulations and conditions as in the discretion of the department may be deemed just and proper.

Surveys, estimates, etc.

If said department determine that public necessity and convenience require that such highway should be laid out and be taken charge of by the state, it shall cause the engineer or surveyor of the county in which the road to be improved is located to make adequate surveys, plans, specifications and estimates thereof subject to the approval and acceptance of the department. Upon approval by the department, a copy of the petition, resolution or undertaking, plans, specifications and estimate shall be filed with the department and also in the office of the recorder of the county in which the highway is situated and thereafter it shall be a state highway, and shall be constructed and kept in good repair as the department shall direct, under the supervision of the engineer or surveyor of the said county, the expense for construction and repair of same to be proportioned and paid as hereafter provided. Such highways shall be known as state aid highways.

State highway.

Bridges and culverts constructed by county.

SEC. 3. The department shall not grant the prayer of any petition for the improvement of a highway under the provisions of this act unless all necessary bridges and culverts shall have first been constructed by the county, or town in which the highway is situated, in a manner satisfactory to the department, nor unless all necessary rights of way have been secured by the public. All expenditures under the provisions of this act shall be distributed equitably throughout the state.

Advertising and letting contract.

SEC. 4. When the department is prepared for construction it shall so notify the governing body of the town or county in which the highway is located and furnish them a verified copy of the approved plans and specifications and the said governing body shall proceed to advertise for bids and let the contract for construction in the manner provided for by the statutes for advertising and letting contracts for work on public highways by counties.

Bids may be rejected.

Should the bids for constructing the highways exceed the figure mutually agreed upon between the department and the county engineer as a reasonable compensation for the work the bids shall be rejected and the work be done as the department shall direct. In either case the county surveyor shall represent the department in the supervision of the construction. Whenever the department deems it necessary, it may appoint an inspector.

Payments.

SEC. 5. Payment for the work shall be made by the local governing body in the manner provided by law for the payments of claims against the county for work of this class, on presentation of bills verified by the supervising engineer and approved by the department. The cost of construc-

tion shall include therein the cost of the surveys, drafting, engineering, inspection and other necessary expenses as well as the cost of the actual work of construction. Two thirds of the cost of construction as shown by the bills approved by the department shall be paid by the county in which the highway is located and one third by the state. The cost of maintenance thereafter shall be equally divided between the state and the county, the work to be done as the department shall direct under the supervision of the county engineer. All bills for maintenance shall be approved and paid in the same manner as the cost of construction.

Two thirds cost paid by county.

On the tenth of each month following the month in which work of any kind has been done, or expenses of any sort have been incurred in connection with the construction or maintenance of a state aid highway, the treasurer of the county where the highway is situated shall present to the department a verified statement of the amounts paid for work performed during the previous month and a demand for a payment of the amount due from the state. Upon verification and approval of this demand the state treasurer shall forward the amount to the county treasurer. The amount to be paid by a county may be paid out of the proceeds of a bond issue, the general fund, the general road district fund or out of the district funds of the road district in which the said highway is located.

Monthly statement of expenditures.

The proportion of expense borne by the state shall be paid out of any fund now available, or which may hereafter be made available for the purpose, or out of special appropriations for the purpose made by the legislature.

Payable from any available fund.

Moneys shall be paid by the state treasurer upon warrants duly drawn by the controller of the state, upon demands made by the department and audited by the state board of control.

SEC. 6. The board of supervisors of any county may not, under the provisions of this act, petition for the improvement of any highway the estimated cost of which by the county surveyor or engineer of said county shall exceed the sum of fifty thousand dollars, unless the same shall have been submitted to the electors of the county and approved. The board of supervisors is hereby authorized to issue bonds under the laws of this state for the construction of such highways and the approval of such bond issue by the electors shall authorize the board of supervisors to proceed with the construction of such highway under the provisions of this act.

Limit of cost.

Bonds.

SEC. 7. All of the provisions of law relating to state highways and to the department shall apply so far as they are applicable to all work done and to all methods employed under this act.

SEC. 8. This act shall be known and cited as the "State Aid Highway Act."

Title of act.

CHAPTER 264.

An act to add a new section to the Civil Code of the State of California to be known and numbered as section four hundred and twenty-two relating to the valuation of stocks and bonds held by insurance companies.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Civil Code of the State of California to be known and numbered as section four hundred and twenty-two, and to read as follows:

Report
on stocks
and bonds
held by
insurance
companies.

422. If any domestic insurance corporation shall have invested any of its funds in or loaned any of its funds upon the stock, bonds or other evidences of debt of other corporations or of any nation, state, county, city, village, school district, municipality, or other civil division of any state, pursuant to the laws of this state, and the insurance commissioner shall have reason to believe that such stock, bonds or other evidences of debt are not amply secured or are not yielding an income, he may direct it to report to him under oath the amount thereof, the security therefor and its market value. No stock and no bond or other evidence of debt if in default as to principal or interest, or if not amply secured, shall be valued as an asset of the corporation above its market value. All bonds or other evidences of debt held by any insurance corporation authorized to do business in this state, if amply secured and if not in default as to principal or interest, may in the discretion of the insurance commissioner, be valued as follows: If purchased at par at the par value; if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield the effective rate of interest at which the purchase was made; *provided*, that the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase; *and provided, further*, that the insurance commissioner shall have full discretion in determining the method of calculating values according to the foregoing rule, and the values found by him in accordance with such method shall be final and binding; *provided, also*, that any such corporation may return such bonds or other evidence of debt at their market value or their book value, but in no event at an aggregate value exceeding the aggregate of the values calculated according to the foregoing rule.

How
valued.

CHAPTER 265.

An act amending section six hundred and two a of the Political Code of the State of California, relating to the reserve of companies transacting liability insurance business.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. Section six hundred and two a of the Political Code of the State of California, is hereby amended to read as follows:

602a. In estimating the condition of any company engaged in the business of liability insurance under the provisions of this article the insurance commissioner shall charge as liabilities all outstanding indebtedness of such company, and the premium reserve of policies in force, equal to the unearned portions of the gross premiums charged for covering risks, computed on each respective risk from the date of the issuance of the policy. The indebtedness for outstanding losses under insurance against loss or damage resulting from accident to or injuries suffered by an employee or other person and for which the insured is liable, and under insurance against loss from liability on account of the death of or injury to an employee not caused by the negligence of the employer, shall be determined as follows: Each corporation which writes policies covering any of the said kinds of insurance shall include in the annual statement a schedule of its experience thereunder, in the United States and foreign countries in the case of corporations organized in the United States, and in the United States only in the case of corporations organized outside of the United States giving each calendar year's experience separately, and crediting or charging each item to the year in which the policy to which it relates was written, as follows: (1) the earned premiums on all such policies written during the period of ten years immediately preceding the date as of which the statement is made, being the gross premiums on all such policies including excess and additional premiums and premiums in course of collection, less return premiums and premiums on canceled policies, and less the unearned premiums on policies in force as shown in such annual statement; (2) the amount of all payments of whatsoever nature made by reason or on account of injuries covered by such policies written during said period. This amount shall include medical and surgical attendance, payments to claimants, legal expenses, salaries and expenses of investigators, adjusters, and field men, rents, stationery, telegraph and telephone charges, postage, salaries and expenses of office employes, home office expenses, and all other payments made on account of such injuries, whether

Indebted-
ness as
liability.

Indebted-
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how deter-
mined.

Indebted-
ness;
how deter-
mined.

such payments are allocated to specific claims or are unallo-
cated; (3) the number of suits being defended at the date as
of which the statement is made under policies written during
said period, except suits in which liability is not dependent
upon negligence of the insured, and a charge of seven hundred
and fifty dollars for each suit; (4) the number of deaths for
which the insured are liable without proof of negligence,
covered by policies written during said period, and not paid
for at the date as of which the statement is made and a charge
of the amount necessary to pay for such deaths; (5) the
number of unpaid claims at the date as of which the statement
is made on account of nonfatal injuries for which the insured
are liable without proof of negligence, covered by policies
written during said period, and a charge equal to the present
value of the estimated future payments; (6) the loss ratio
determined from the foregoing as to each year separately
using as the divisor the earned premiums shown in item (1)
and as the dividend the amount of payments shown in item (2)
plus the amounts charged in items (3), (4) and (5); (7) the
number of suits being defended at the date as of which the
statement is made under policies written more than ten years
prior to such date, except suits in which liability is not depend-
ent upon negligence of the insured; (8) the number of deaths
for which the insured are liable without proof of negligence,
covered by policies written more than ten years prior to the
date as of which the statement is made, and not paid for at
such date; (9) the number of unpaid claims at the date as of
which the statement is made on account of nonfatal injuries
for which the insured are liable without proof of negligence,
covered by policies written more than ten years prior to such
date. All unallocated payments in item (2) made in a given

Distribu-
tion of
unallo-
cated pay-
ments.

calendar year subsequent to the first four years in which a
corporation has been issuing such policies shall be distributed
as follows: Thirty-five per centum shall be charged to the
policies written in that year, forty per centum to the policies
written in the preceding year, ten per centum to the policies
written in the second year preceding, ten per centum to the
policies written in the third year preceding, and five per
centum to the policies written in the fourth year preceding,
and such payments made in the first four calendar years in
which a corporation has been issuing such policies shall be
distributed as follows: in the first calendar year one hundred
per centum shall be charged to the policies written in that
year, in the second calendar year fifty per centum shall be
charged to policies written in that year and fifty per centum
to the policies written in the preceding year, in the third
calendar year forty per centum shall be charged to the policies
written in that year, forty per centum to the policies written
in the preceding year, and twenty per centum to the policies
written in the second year preceding, and in the fourth
calendar year thirty-five per centum shall be charged to the

Indebted-
ness;
how deter-
mined.

policies written in that year, forty per centum to the policies written in the preceding year, fifteen per centum to the policies written in the second year preceding, and ten per centum to the policies written in the third year preceding, and a schedule showing such distribution shall be included in such annual statement. Each such corporation shall be charged with indebtedness for outstanding losses upon such policies determined as follows: (10) for all suits being defended under policies written more than ten years prior to the date as of which the statement is made, except suits in which liability is not dependent upon negligence of the insured, one thousand dollars for each suit; (11) for all suits being defended under policies written more than five years and less than ten years prior to the date as of which the statement is made, except suits in which liability is not dependent upon negligence of the insured, seven hundred and fifty dollars for each suit; (12) for all deaths for which the insured are liable without proof of negligence, covered by policies written more than five years prior to the date as of which the statement is made, the amount necessary to pay for such deaths; (13) for all unpaid claims on account of nonfatal injuries for which the insured are liable without proof of negligence under policies written more than five years prior to the date as of which the statement is made, the present value of the estimated future payments; (14) for the policies written in the five years immediately preceding the date as of which the statement is made an amount determined as follows: multiply the earned premiums of each of such five years as shown in item (1) by the loss ratio ascertained as in item (6) on all the policies written in the first five years of the said ten-year period using as the divisor the sum of the earned premiums shown in item (1) for such first five years, and as the dividend the sum of the payments shown in item (2) for such first five years plus the sum of the charges in items (3), (4) and (5) for such first five years, but the ratio to be used shall in no event be less than fifty-two per centum at and after December thirty-first, nineteen hundred and thirteen, nor less than fifty-three per centum at and after December thirty-first, nineteen hundred and fourteen, nor less than fifty-four per centum at and after December thirty-first, nineteen hundred and fifteen, nor less than fifty-five per centum at and after December thirty-first, nineteen hundred and sixteen, and from the amount so ascertained in each of the last five years of said ten-year period deduct all payments made under policies written in the corresponding year as shown in item (2), and the remainder in the case of each year shall be deemed the indebtedness for that year; *provided, however*, that if the remainder in the case of any year of the first three years of the five years immediately preceding the date as of which the statement is made shall be less than the sum of the three following items for that year at that date—(a) the number of suits, except suits

Indebtedness for losses on policies.

Indebtedness, how determined.

Indebted-
ness;
how deter-
mined.

in which liability is not dependent upon negligence of the insured, being defended under policies written in that year and a charge of seven hundred and fifty dollars for each suit, (b) the amount necessary to pay for all deaths for which the insured are liable without proof of negligence, covered by policies written in that year, and (c) the present value of estimated unpaid claims on account of nonfatal injuries for which the insured are liable without proof of negligence, covered by policies written in that year—then the sum of said items (a), (b) and (c) shall be the indebtedness for that year. A corporation which has been issuing such policies for a period of less than ten years shall nevertheless include in its annual statement, a schedule as hereinbefore required for the years in which it shall have issued such policies, and shall be charged with an indebtedness determined in the same manner, but in determining the indebtedness for policies written in the five years immediately preceding the date as of which the statement is made, the minimum ratio hereinbefore prescribed shall be used subject to the same deductions and provisions as in the case of corporations that have been issuing such policies for ten years or more.

CHAPTER 266.

An act prohibiting the borrowing of money from an insurance company by an officer of such company.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Officers
prohibited
from
borrowing
from
insurance
funds.

SECTION 1. No officer of any insurance company shall directly or indirectly, for himself or as a partner or agent for others, borrow any of the funds of such insurance company; *provided, however*, that the provisions of this act shall not be construed to prevent the borrowing by any insured upon the security of policies of insurance in accordance with their terms, nor prevent agents of life insurance companies from receiving advances under their agency contracts.

Penalty.

SEC. 2. Any officer who acts in violation of the provisions of this act shall be guilty of a misdemeanor.

CHAPTER 267.

An act to establish police courts in cities of the first and one half class, to fix the jurisdiction of said courts and to provide for the officers thereof, to prescribe the powers and duties of the officers of said courts, and to fix the compensation of certain officers thereof, and to repeal an act entitled "An act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," which became a law under the provisions of the constitution of the State of California without the governor's approval, on the 5th day of March, 1901, and all acts amendatory of said act or supplementary thereto.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The judicial power of every city of the first and one half class shall be vested in a police court to be held therein by the city justices of such city, or one or more of them. Either of said justices may hold such court, and there may be as many sessions of said court at the same time as there are city justices in said city, and it is hereby made the duty of said city justices, in addition to the duties now required of them by law, to hold said police court, as judges thereof.

Judicial
power of
cities of
first and
one half
class.

SEC. 2. Said police court shall have exclusive jurisdiction of all misdemeanors punishable by fine or by imprisonment, or by both such fine and imprisonment, committed in the city where such police court is held; and of all proceedings for violation of any ordinance of said city, both civil and criminal; and of all actions for the collection of any license required by the ordinances of said city. In all cases of which said police court has jurisdiction it shall have power to try and determine the same; convict or acquit; pass and enter judgment and carry such judgment into execution as the case may require, according to law.

Jurisdic-
tion.

SEC. 3. Each of the city justices while acting as judge of said police court shall be and have the powers of a police magistrate and shall have power and jurisdiction to issue warrants of arrest, search warrants, subpoenas, summons, writs of execution and all other writs, orders or processes necessary to the full and proper exercise of the powers and jurisdiction of said court: to punish persons guilty of contempt of said court, in like cases and by the same penalties as justices of the peace; to try all charges of misdemeanor offenses committed within its jurisdiction, as well as all charges for violation of city ordinances, and render judgment therein with full power to carry such judgment into execution; to make disposition of property taken under search warrant, in like cases and like manner as justices of the peace; to act as a committing magistrate, examine and hold to answer or dis-

Powers of
justices.

charge persons charged with the commission of felonies and make all necessary rulings, orders and commitments in that behalf; in all proper cases, to stay the execution of any judgment rendered by him in either civil or criminal cases.

Justices
not to be
interested.

SEC. 4. Neither of said justices shall sit in any case in which he is a party, or in which he is interested, or where he is related to either party by consanguinity or affinity within the third degree; and in case of the absence, sickness or inability of the said justices, or either of them, either of said justices may call in any justice of the peace of the county to act in his place and stead.

Depart-
ments.

SEC. 5. The said police court shall be divided into as many departments as there are judges of said court. The judges of said court shall choose from their number a presiding judge, who shall serve for one year; *provided, however,* that the presiding judge first chosen hereunder shall serve until the first Monday in January, 1914: *and provided, further,* that the presiding judge may be removed at any time and another appointed in his place by a vote of the majority of said judges. The presiding judge shall assign the judges to their respective departments: but any judge may preside in any department in case of the absence or inability to act of the judge of such department. And in the absence or inability to act of the presiding judge, the remaining judges may select one of their number to act as presiding judge during such absence or inability; and whose official acts during such time shall have the same force and effect as though made or done by the presiding judge. The presiding judge shall have power to apportion the business of said court among the several departments and to transfer cases from one department to another, if necessary or convenient to facilitate the dispatch of business of said court. The judgments, orders and proceedings of any session of the court held by any one or more of the judges of said court shall be equally effectual as though all of the judges had presided at such session. The judges of said court shall have power, by a majority vote of all the judges of said court, to make rules not inconsistent with the constitution or laws of this state, for the government of said court and the officers thereof, and for conducting the business of said court. Such rules may be published by posting a copy of the same in each of the court rooms of said court and shall be in effect after having been so posted for a period of thirty days. Said court shall be governed in its proceedings by the provisions of law regulating proceedings in justices' courts and police courts so far as such provisions are not altered or modified by this act, and the same are applicable in the several cases arising therein, and no rules shall be made imposing any tax or charge on any legal proceeding or giving any allowance to any officer for services.

Apportion-
ment of
business.

Rules.

Govern-
ment of
proceed-
ings.

Clerks.

SEC. 6. Said police court shall have a clerk for each of the judges of said court, who shall be appointed by the judge of said court presiding in the department thereof in which the

said clerk is to act, which said clerk shall hold office for the term of four years from the date of his appointment. Each such clerk shall be ex officio a clerk of the city justices of the peace. Each of said clerks shall give a bond in the sum of five thousand dollars, with at least two sureties, to be approved by the mayor, conditioned for the faithful discharge of the duties of his office. Each of said clerks shall receive an annual salary of twenty-one hundred dollars, payable in equal monthly installments out of the treasury of said city, which salary shall be full compensation for all services rendered by him. Each of the said clerks shall keep a record of the proceedings of said court and issue all processes ordered by the city justices or either of them, or by said police court or a judge thereof, and receive and pay into the city treasury all fines imposed and collected by said court, and all forfeitures of cash deposited in lieu of bail in said court, and all other moneys which may come into his hands belonging to or payable to said city. They shall also render each month to the city council an exact and detailed account under oath of all fines imposed and collected and of all fines imposed and uncollected since their last reports. They shall prepare and approve bonds and may, in the absence of a judge of said court, fix the amount of bail to be required of any defendant charged in such court with any offense of which such court has jurisdiction. Such clerk may also justify bail, and may administer and certify oaths. Said clerks shall remain at the court rooms of said court during business hours and during such reasonable times thereafter as may be necessary for a proper performance of their duties. Before receiving any monthly payment of salary, each of said clerks shall make and file with the city auditor an affidavit that he has deposited with the city treasurer all moneys that have come into his hands belonging to the city. Any violation of this provision shall be a misdemeanor. Said clerks shall keep, compile and be the custodians of the dockets, files and records of said court. Said dockets shall, in civil cases, be kept in conformity to the provisions of sections 911, 912, 913 and 914 of the Code of Civil Procedure of the State of California. In criminal cases the docket shall contain in each case:

1. The title of the case;
2. The demurrer, if any;
3. The motion to dismiss, if any, based upon any defect of the complaint in substance or form;
4. The ruling of the court upon any demurrer or motion to dismiss;
5. The defendant's plea;
6. Any order of the court setting the time for hearing of any demurrer or motion, or setting case for trial;
7. The names of the witnesses sworn and examined at the trial;
8. The verdict;
9. The time set for rendering judgment, if judgment is not passed immediately after verdict or plea of guilty; and the waiver of time for sentence, if there be such waiver;

Clerks' bonds.

Salary.

Duties.

Monthly account.

Business hours.

Penalty for violation.

Dockets.

Docket in criminal cases.

10. The judgment:

11. A minute of all motions, rulings and orders made after verdict of judgment;

12. The dates of the various actions or things required to be recorded.

Prosecuting attorney.

SEC. 7. Said police court shall have a prosecuting attorney who shall be elected or appointed in such manner as the charter of said city shall provide. Said prosecuting attorney shall have as many assistants, deputies, clerks and stenographers as the legislative body of said city shall provide, all of whom shall be appointed by said prosecuting attorney, unless otherwise provided by the charter of said city. In case the charter of said city shall provide for the election or appointment of a city prosecutor, such city prosecutor shall have and exercise all the powers and duties of said prosecuting attorney. It shall be the duty of such prosecuting attorney, either in person or by his assistants or deputies, to draw complaints to be filed in said police court for misdemeanor offenses in which said court has jurisdiction, arising either from violations of the charter or ordinances of said city or from violations of the laws of the State of California. Such prosecuting attorney must attend the said police court, and conduct, either in person, or by his assistants or deputies, in behalf of the people, all prosecutions for public offenses of which such court has trial jurisdiction. Said prosecuting attorney shall attend to all appeals and proceedings on application for writs of habeas corpus, in connection with such prosecutions, and shall prosecute all recognizances and bail bonds forfeited in said court, and all actions for the recovery of fines, penalties and forfeitures accruing in said court; and the district attorney of the county in which said city is located shall have no power or authority in or over any of said prosecutions, actions or proceedings. Whenever any person, held in custody or restraint by any peace officer of said city, and charged with having committed any criminal offense against the provisions of the charter or ordinances of said city, or with having committed any offense in said city which is a misdemeanor under the laws of this state, shall apply for a writ of habeas corpus, a copy of the application for such writ shall be served forthwith upon the prosecuting attorney or upon one of his assistants or deputies. In any case where an offense has been committed in the said city that is triable in said court, and any person, whose attendance as a witness at the trial is necessary in the judgment of said prosecuting attorney, resides out of the county in which said court is located, or can only be served with a subpoena outside of said county, the said prosecuting attorney shall have the power to make and present to the said police court, an affidavit stating that he believes the evidence of such witness is material and that the attendance of such witness at the trial is necessary. And if a judge of the said police court shall, upon the presentation to him of such affidavit of said prosecuting attorney, endorse on the subpoena an order for the attendance of the witness named in such affidavit,

Duties.

Application for writ of habeas corpus served on attorney.

Enforcing attendance of witness outside of county.

the attendance of such witness may be enforced in the manner provided by sections 1330, 1331, and 1332 of the Penal Code.

Sec. 8. There shall be a bailiff in each department of said court, who shall be selected from the regular police force of said city and shall be appointed by the judge presiding in such department, and who by virtue of such selection and appointment shall rank as sergeant. It shall be the duty of the bailiff to attend all sessions of the department of such court for which he is appointed or assigned, and to preserve order therein; to serve or cause to be served and properly returned to said court, all warrants, subpoenas, writs, processes and orders, civil or criminal, issued by or out of or returnable to said court; to have charge of prisoners while in said court, and if committed to deliver them or cause them to be delivered to the proper officer; to perform such other duties in the conducting or facilitating the business of said court as a judge of said court may require; or as may be required by a rule of said court. Each of said bailiffs shall be a civil executive officer and in the performance of his duties as an officer of said court, within the city in which said court is situated, shall have all the powers and authority of a sheriff or other peace officer. He shall be subject to the orders of said court or a judge thereof and may be punished by said court or a judge thereof for contempt, or for the disobedience of any order of said court, or a judge thereof, or for neglect of duty. Any bailiff of said court, or person acting as or performing the duties of bailiff of said court shall not while such bailiff, or while so acting or performing such duties, be assigned to or required to perform any other duties without the consent of the judge presiding in the department in which such bailiff or officer is so acting or performing such duties. Each of said bailiffs shall receive a salary of eighteen hundred dollars per annum, payable in equal monthly installments out of the treasury of said city. Any police officer of said city may perform any of the duties of a bailiff of said court, and while in the performance of any such duties, is subject to the orders and discipline of said court as a bailiff.

Sec. 9. If at any time, in the opinion of the judges of said court, or a majority of them, the services of more than five men are required to perform the duties devolving upon the bailiffs of said court, or to facilitate the work of said court, the presiding judge may select and appoint one additional man from the police force of said city, who shall thereby become a bailiff of said court, or of any department thereof to which he may be assigned by the presiding judge, and who shall thereby be invested with all the powers and authority of a bailiff of said court, and who shall perform any of the duties of a bailiff of said court, required of him by the presiding judge, or a judge of said court; and such bailiff, while so acting, shall have the rank and receive the compensation of a bailiff of said court. He shall serve as such bailiff during the pleasure of the judges of said court or a majority of them.

Fines
paid into
treasury.

SEC. 10. All fines and other moneys collected on behalf of the city in the police court shall be paid into the city treasury on the first Tuesday of each month.

Court
rooms.

SEC. 11. The city council shall furnish suitable rooms for the holding of said police court, including jury rooms and offices for the judges, clerks and bailiffs, and shall also furnish the necessary dockets, blanks, stationery and supplies for the carrying on of the business of said court, requisition for such supplies to be issued by any judge for his department.

Quarterly
selection
of jurors.

SEC. 12. In the months of January, April, July and October of each year there shall be selected by the judges of said police court a list of jurors to serve as a term trial jury in said police court for the ensuing three months, and until a new term trial jury is selected. Said jurors shall be selected from the persons resident in the city in which said police court is held, and who are legally competent and suitable to serve as jurors therein, as follows: The judges of said court shall meet for the purpose of selecting a jury. The presiding judge shall preside at such meeting, and a majority of the judges of said court shall constitute a quorum. The judges shall estimate and designate the number of jurors required for the trial of cases in said court for the ensuing three months. From the names appearing on the last preceding completed assessment roll of the county in which said city is located, of persons assessed on property belonging to themselves and apparently competent and suitable to serve as jurors in such court, the judges shall select names which shall not be less than two, nor more than four, times the number designated as the number of jurors required as hereinbefore provided, which names shall be written on separate slips of paper, and said slips shall be folded so as to conceal the names thereon, and said slips shall be placed in a proper receptacle and thoroughly mixed. The presiding judge shall then draw from said receptacle, one at a time, as many slips as the number designated by said judges as the number of jurors required; and there shall be made two lists of said names so drawn and one of said lists shall be delivered to the presiding judge. The other list shall then be filed in the office of the presiding judge. The presiding judge shall thereupon make an order requiring the persons whose names have been so drawn to attend in said court at a suitable time and place in said order designated; and said order shall be signed by the presiding judge and the seal of the court attached. The clerk of the department of the presiding judge shall attach to said order a copy of the list of the names drawn as above set forth, and deliver said order with said list attached to one of the bailiffs of the said court or to any police officer of said city. The said bailiff or police officer shall without delay, and without further pay, serve and return said order to said court, in the manner provided in section 225 of the Code of Civil Procedure.

Drawing
of names.

Service.

At the time and place fixed in said order for the appearance of the persons so summoned, the presiding judge shall attend

and shall call the names on said list and shall make a record of those present and those absent, and shall excuse such as shall appear to him to be not competent or eligible to serve as jurors, and such as appear to be exempt from jury duty in such cases as the exemption is pressed by the prospective juror as an excuse from duty, and such as appear to him to be entitled to be excused under the provisions of section 201 of the Code of Civil Procedure. The question of the competency or incompetency, or exemption from jury service, shall be determined according to the provisions of sections 198, 199 and 200 of the Code of Civil Procedure.

Appearance of persons on list.

Any juror summoned as above provided, who fails to appear, may be attached by an order issued by said presiding judge, and served by one of the bailiffs of said court or any police officer of said city, and punished as provided in section 238 of the Code of Civil Procedure.

Failure to appear.

The names of the persons attending, whether by original service or attachment, and not excused, shall be written on separate slips of paper, which slips shall be folded so as to conceal the names, and shall be placed in a box. If in the opinion of the presiding judge there is not in attendance a sufficient number of jurors for the trial of cases in said court for the ensuing three months, he may cause additional names to be drawn and the persons whose names are so drawn to be summoned in the manner hereinbefore provided, until the number of persons designated in the original order are in attendance and are qualified, and their names placed in a box; *provided, however,* that the drawing, or the attendance, or the qualifying of a greater or less number of jurors than that designated by the judges as hereinbefore provided shall not be a ground of challenge to the panel or to a juror, nor shall it affect the validity of any act as a juror of any persons so drawn and qualified.

Names on separate slips.

When a jury is required in any department of said court, the judge presiding in that department or any judge of said court, shall cause to be drawn from the box containing the names of the jurors attending, and not excused, a number of names estimated to be sufficient from which to select said jury. If the persons whose names are so drawn are not present in said court, they may by order of a judge of said court, be summoned by the bailiff of said court or a police officer in the manner hereinbefore provided. If said names so drawn are exhausted before the jury is completed, additional names shall be drawn in the same manner until the jury is completed or the slips in the box are exhausted. The slips containing the names so drawn shall be delivered to the clerk of the department in which the jury is to be selected, who shall without unfolding them, place them in a box and cause them to be thoroughly mixed; and shall then draw from said box, one at a time, said slips and call the name from each of said slips as it is drawn, until the jury box is filled. Thereupon the parties to the cause shall proceed to select a jury in the manner

Jurors drawn.

and under the rules laid down in sections 1055 to 1088, inclusive, of the Penal Code.

Slips
preserved.

The clerk of the court shall preserve the slips drawn as above required and shall retain in his possession all slips containing the names of jurors sworn to try the cause, until such trial is finished, when he shall return them to the presiding judge; and shall also return to the presiding judge the slips containing the names of those drawn and rejected. The slips so returned to the presiding judge shall not be replaced in the general panel box until the jury in the cause for which they were drawn has been completed, but may be placed in and drawn from, a separate box for use and service in another trial in any other department of said court. If for any reason the entire term trial panel of jurors is exhausted without completing a jury, the judge of the department in which the cause is being tried may issue an order or writ of venire and cause to be summoned additional talesmen, as provided in sections 230, 231 and 232 of the Code of Civil Procedure. From such of these additional talesmen as are qualified and eligible for jury duty, the jury may be completed as provided by law.

Additional
talesmen.

Jurors'
compensation.

Jurors shall be paid two dollars (\$2.00) per diem for each day actually served in the trial of causes in said court, which compensation shall be payable from the treasury of the city. Each juror shall also be entitled to compensation for mileage actually traveled from his place of residence to said court where the distance between such place of residence and said court is more than ten miles, the sum of five cents per mile one way and such compensation shall be payable from the treasury of the city. The clerk of each department of said court shall keep an account of the time served by each juror and the distance traveled in attending said court by each juror, and shall, at the end of each month, certify to the presiding judge the number of days served by each juror and the amount of mileage fees due each juror, and the presiding judge shall thereupon deliver to each juror on the last day of each month a certificate over his signature and the seal of said court, showing the number of days served by each juror, the mileage fees due each juror, and the total amount due each juror, which certificate shall be a sufficient demand on the treasurer of such city.

Time
served.

Court
open.

SEC. 13. The police court shall be always open during business hours, except upon non-judicial days, and then for such purposes only as by law permitted or required of other courts of this state.

Appeals.

SEC. 14. Appeals may be taken from any judgment of said police court to the superior court of the county in which such city may be located, on the same grounds and in the same manner in which appeals are taken from justices' courts in like cases.

Imprisonment of
persons
convicted.

SEC. 15. In all cases of the conviction in said police court of any person charged with any offense committed in the city in which such police court is held, and the imprisonment of

any person so convicted, the person so to be imprisoned, or by ordinance required to labor, shall upon the order of the judge before whom such conviction is had, be imprisoned in the city jail, or a branch thereof, or in such other penal or reformatory institution as may be provided by the city for such purpose; or if required to labor, shall labor in the city or in such penal or reformatory institution, and the imprisonment in any branch city jail or in any such penal or reformatory institution shall be deemed an imprisonment in the city jail; *provided*, that if any person who is imprisoned in any branch city jail or any such penal or reformatory institution by judgment of said police court, shall escape therefrom, or shall fail or refuse to submit or conform to the rules of such penal or reformatory institution, such person may by order of the court or any judge thereof, be required to serve the unexpired portion of his term in the city jail. In such case only so much of the prisoner's term shall be deemed to have expired as has been actually served in the city jail, or a branch city jail, or in such penal or reformatory institution.

SEC. 16. Said court shall have a seal, to be furnished by the city. Seal.

SEC. 17. The city justices shall, on the first Tuesday of each month, make to the city council a full and complete report of all cases, civil and criminal, filed or acted upon since their last report, in which the city has an interest, or which are required to be entered in the city civil docket or the city criminal docket, such report to be made upon blanks furnished by the city council and in such form as they may require. Monthly report of justices.

SEC. 18. Certified transcripts of the dockets or files of said court, certified by the clerk of said court under the seal of said court, shall be evidence in any court of this state of the contents of said docket or of said files, as the case may be; and all warrants and other process issued out of said court, and all acts done by said court and certified under its seal, shall have the same force and validity in any part of this state as though issued or done by any court of record of this state. Certified transcripts as evidence.

SEC. 19. Each clerk of said court shall, before entering upon the duties of his office, take and subscribe an oath in the form prescribed in section 904 of the Political Code, before the city clerk of said city, and shall file his official bond with said city clerk. Oath and bond of clerks.

SEC. 20. An act entitled "An act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," which became a law under the provisions of the constitution of this state, without the governor's approval, March 5th, 1901, and all acts amendatory thereof or supplementary thereto are hereby repealed; *provided, however*, that such repeal shall not affect any actions or proceedings pending in the police court established by said act at the time of the taking effect of this act, nor shall such repeal affect the powers or duties of the said prosecuting attorney relative Repealed. Actions not affected.

thereto. All such actions and proceedings shall thereupon be deemed to be and shall be *ipso facto* transferred to the police court established by this act, and upon the taking effect of this act and by reason thereof, all such actions and proceedings shall *ipso facto* be and become such actions and proceedings so pending in the police court established by this act, which last named court shall thereby have jurisdiction, power and authority to proceed with them to final judgment or other disposition, and to make and enforce judgment therein as fully, and with the same force and effect, as though said actions or proceedings had been originally instituted in said last named court.

Tenure of
office not
affected.

SEC. 21. Nothing in this act contained shall be construed to interfere with, terminate or in any wise affect the tenure of office of any person now holding office under and by authority of the terms of an act entitled "An act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said court and fix the compensation of certain officers thereof," which became a law under the provisions of the constitution of this state, without the governor's approval, March 5th, 1901, and all acts amendatory thereof or supplementary thereto; and the police court established in any city of the first and one half class by this act, shall, to all intents and purposes, and for every, any and all purposes, be deemed to be and shall be the successor of the police court existing in any such city, at the time of the taking effect of this act, and established therein by the aforesaid act, and all acts amendatory thereof or supplementary thereto, repealed by this act; and the judges and all other officers of any such existing police court shall severally be and act as the judges and other officers respectively of the police court hereby established in any such city, until their successors are elected or appointed, and qualify, as provided by law.

CHAPTER 268.

An act to amend the Civil Code by adding a new chapter to be known as chapter VIII, of title II, of part IV, of division first, of said Civil Code, relating to mortgage insurance companies.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. A new chapter is hereby added to title II of part IV of division first of the Civil Code to read as follows:

CHAPTER VIII.

MORTGAGE INSURANCE.

- Sec. 453aa. Mortgage insurance companies subject to insurance laws and to insurance commissioner.
 Sec. 453bb. Policy of mortgage insurance defined.
 Sec. 453cc. Capital stock of mortgage insurance companies.

- Sec. 453dd. Kind and amount of securities that may be guaranteed.
- Sec. 453ec. Guaranteed mortgages and trust deeds to be legal investments. Premiums may be paid from income.
- Sec. 453ff. Must have certificate of insurance commissioner.
- Sec. 453gg. Loans and investments.
- Sec. 453hh. Quarterly reports to insurance commissioner.

453aa. The insurance commissioner shall have the same power and authority regarding any mortgage insurance corporation that he may exercise in relation to other insurance corporations organized under the laws of this state, including the right to examine and inspect the financial condition and affairs of such company, and to compel compliance with the provisions of law governing any such corporation.

Power of insurance commissioner over mortgage insurance corporations.

453bb. A certificate or guaranty issued by a mortgage insurance company organized under the laws of this state, whether such certificate represents or refers to a particular note or bond secured by mortgage or trust deed in its entirety, or represents or refers to an undivided or other partial interest in a note or notes or in a bond or bonds secured by mortgage or trust deed or in a group of several such notes or bonds and in the mortgages and trust deeds securing the same, which certificate or guaranty purports to guarantee the payment of the principal, interest or other sums agreed to be paid under the terms of any such note or bond secured by mortgage or trust deed, or other sums secured under the terms of any such mortgage or trust deed and the guaranteeing or insuring, directly or indirectly, against loss thereon, shall be deemed a policy of mortgage insurance.

Policy of mortgage insurance defined.

When such certificate or guaranty represents or refers to an undivided or other partial interest as above stated, the policy containing the same may be referred to as and is hereby designated as a "mortgage participation certificate," and when such certificate or guaranty represents or refers to an entire interest as above stated, the policy containing the same may be referred to as and is hereby designated as a "mortgage guaranty" or an "entire mortgage guaranty."

Mortgage participation certificate.

453cc. No mortgage insurance company shall issue in California any policy of mortgage insurance without having a capital stock of at least one hundred thousand dollars fully paid in, in cash.

Capital stock.

453dd. No mortgage insurance company shall guarantee the payment of any note or bond secured by any mortgage or trust deed except the same be a first lien upon a marketable title in fee to the property covered thereby. No mortgage insurance company shall guarantee under any mortgage or trust deed a principal amount exceeding sixty per centum of the market value of the real estate taken as security therefor. No mortgage insurance company shall have at any time outstanding policies of mortgage insurance exceeding in amount of principal guaranteed thereunder twenty times the amount of its paid-in capital and surplus; and provided, also, that certificates so issued, or guarantees so made or policies so

First lien security.

60% of value.

Limit of loans.

issued by mortgage insurance companies organized under the provisions of this act shall not be deemed to be debts created by the directors in violation of, or contrary to the provisions of section three hundred nine of the Civil Code, nor make the directors or any of them liable thereon. No loan shall be made by any mortgage insurance company directly or indirectly to any of its officers or directors. A violation of any of the terms or provisions of this section shall not make any policy or guarantee of such company void or voidable, but any officer, director, agent or other employee of any such company who knowingly consents to any violation of any of the terms or provisions of this section shall be guilty of a misdemeanor.

No loan to officers.

Penalty.

Legal investments for trust funds, etc.

453ee. Mortgages or trust deeds, guaranteed by any such mortgage insurance company, in compliance with the terms of this chapter, and the notes and bonds secured thereby, and mortgage participation certificates, mortgage guaranties and entire mortgage guaranties, as defined by section 453bb, shall be legal investments for all trust funds held by any executor, administrator, guardian, trustee or other person holding trust funds for investment, and for the funds of insurance companies, banks, banking institutions and trust companies, and all premiums paid on such guaranties and certificates may be charged to or paid out of the income from such notes or bonds; *provided, however*, that if any such investment be in a mortgage participation certificate or certificates, the mortgage or mortgages and deed or deeds of trust referred to in such certificates, together with the note or notes and bond or bonds secured by the same, shall be assigned to a trust company organized and doing business under the laws of this state, and shall be held by such trust company as security for the payment of said mortgage participation certificates, including all of the mortgage participation certificates secured by such mortgages and deeds of trust so assigned, and for the performance of all of the conditions of said mortgage participation certificates imposed thereby upon the mortgage insurance company issuing the same; and such trust company shall certify on each such mortgage participation certificate, that the aggregate amount of the certificates issued, evidencing and conferring participation in such mortgages and deeds of trust and in the notes and bonds secured thereby, does not exceed the principal of the debts evidenced and secured by such mortgages and deeds of trust; *and provided, also*, that such investment shall be accompanied by a copy of the appraisal and of the certificate of the directors filed or to be filed with the insurance commissioner as required by the provisions of this chapter.

Premiums.

Mortgage assigned to trust company.

Certificate of insurance commissioner required.

453ff. No corporation shall make any insurance contract or issue any policy of mortgage insurance, or engage in the business of a mortgage insurance company until it has obtained from the insurance commissioner his certificate that such company has complied with the provisions of this chapter and is duly authorized to do business as such mortgage insurance

company; *provided*, that any corporation heretofore organized under the laws of this state for the purpose of guaranteeing the payment of mortgages shall have the right to transact business as a mortgage insurance company until the first day of January, A. D. 1914; *provided, also*, that the failure of such company to obtain the certificate of the insurance commissioner required by the terms of this act on or before said date shall terminate such right to transact such business until such certificate shall be obtained.

453gg. A mortgage insurance company may invest its capital and accumulations in the following named securities:

Investments of mortgage insurance companies.

1. In the purchase of, or loans upon interest-bearing bonds of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

2. In the purchase of, or loans upon interest-bearing bonds of any of the states of the United States not in default for interest on such bonds, including bonds of this state, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest.

3. In the purchase of, or loans upon interest-bearing bonds of any of the counties and incorporated cities and towns, and duly organized school districts of any state or territory of the United States not in default for interest on such bonds.

4. In the purchase of, or loans upon interest-bearing bonds of irrigation districts as provided or authorized by section 8 of an act entitled "An act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the state controller, and for the recording of such bonds in the office of the state controller," approved December 18, 1911.

5. In loans secured by mortgage or deed of trust upon unincumbered real estate, improved or unimproved, or in the purchase of, or loans upon notes or bonds so secured; *provided*, that the principal so loaned, or the entire note or bond issue under such mortgage or deed of trust shall not exceed sixty per centum of the market value of such real estate with improvements taken as security; *and provided, further*, in case said loan is made, or said note or bond issue created for a building loan on real estate, that at no time shall the principal so loaned, or the entire note or bond issue, exceed sixty per centum of the market value of the real estate and the actual cost of the improvements thereon taken as security. No mortgage insurance company shall invest in, hold or own any of the capital stock of any other corporation, nor

make any loan, in whole or in part, on the security of the capital stock of any other corporation.

Quarterly reports.

4537h. Every mortgage insurance company shall make a report in writing to the insurance commissioner, which report shall be made quarterly, and shall be verified by the oath of its president or vice-president, and its secretary or treasurer or of any two of its principal officers. Such report shall contain a statement of each new policy of mortgage insurance issued by such company since the last preceding report, stating specifically whether such policy relates to an entire mortgage guaranty, or to a mortgage participation certificate or certificates.

Facts covered in case of entire mortgage guaranty.

When such policy relates to an entire mortgage guaranty, such report shall specify separately the following facts regarding the loan on which the guaranty is based, and regarding the security therefor, namely:

1. The aggregate amount of principal loaned.

2. A description of the property securing the loan.

3. Separately, the market value of the land and the market value of the improvements thereon, if any, as shown by the appraisement provided for by the terms of this section, and the aggregate value of such land and improvements.

4. The book and page of the record of the mortgage or mortgages, and deed or deeds of trust securing the loan.

In case of mortgage participation certificates.

When such policy relates to a mortgage participation certificate or certificates, such report shall specify separately in connection with each such certificate, the following facts regarding the loan or loans on which the participation certificate or certificates are based, and regarding the security or securities therefor, namely:

1. The aggregate amount of principal loaned evidenced by the note or notes, or bond or bonds secured by the mortgage or mortgages, or deed or deeds of trust referred to in such certificate or certificates, and constituting the security on which such mortgage participation certificate or certificates are based, and, separately, the amount of principal secured by each such mortgage or deed of trust.

2. A description of the property securing the loan under each such security.

3. Separately, the market value of the land and the market value of the improvements thereon, if any, securing the loan under each such security, as shown by the appraisement provided for by the terms of this section, and the aggregate value of such land and improvements.

4. The book and page of the record of each such mortgage or deed of trust constituting such security.

5. The aggregate amount of such participation certificates issued against the mortgage or mortgages, or deed or deeds of trust forming the security for such participation certificate.

Appraisement of property.

There shall be filed with such report an appraisement of each separate parcel of property taken as security as mentioned in such report as above required, which appraisement shall be

made by a person or corporation approved by the insurance commissioner. In such appraisalment the market value of each parcel of land and of the improvements thereon, if any, and the aggregate value of such parcel of land and improvements shall be stated, together with a general statement of the character of such land and of the kind and condition of such improvements, if any.

Such appraisalment shall be signed and verified by such appraiser, or by an officer of the corporation making such appraisalment, and shall be accompanied by a certificate signed and verified by at least three directors of such mortgage insurance company to the effect that in the opinion of the affiants, and each of them, such appraisalment is correct, and that in their opinion the amount thereof does not exceed the market value of the property, and that the principal amount loaned on the security of such property does not in their opinion exceed sixty per centum of the market value of such property and, also, to the effect that said company has in its possession or control evidences of title consisting of either a full abstract of title, a full certificate or guaranty of title, or a policy of title insurance, showing that the mortgage or deed of trust securing such loan is a first lien upon a marketable title in fee to the property covered thereby.

Appraisalment verified.

In case of the neglect or failure of any such mortgage insurance company to make any such quarterly report as herein provided, such company shall be liable therefor, and shall forfeit to the State of California ten dollars per day for every day during which such neglect or failure continues; *provided, however,* that the insurance commissioner shall have the authority to extend the time within which any such report may be filed for not exceeding a period of ten days.

Penalty for failure to report.

CHAPTER 269.

An act to amend section five hundred and ninety-four of the Political Code, relating to the classification of insurance business and to the capital stock of insurance companies.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 594 of the Political Code is hereby amended to read as follows:

594. All insurance business in the State of California is hereby classified in the following sixteen kinds, namely:

1. Life insurance, including within its meaning insurance upon the lives of persons and every insurance appertaining thereto, and the granting, purchasing and disposing of annuities.

Life insurance.

2. Fire insurance, including within its meaning insurance

Fire insurance.

against loss or damage by fire, lightning, windstorm, tornadoes or earthquakes.

Marine insurance.

3. Marine insurance, including within its meaning insurance upon vessels, freights, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange, and other evidences of debt, bottomry and *respondentia* interests, and every insurance connected with marine risks and risks of transportation and navigation, including the risks of lake, river and inland transportation and navigation.

Title insurance.

4. Title insurance, including within its meaning the issuance of guarantees and policies of insurance affecting titles to real estate, and guaranteeing or insuring owners of real or personal property, or others interested therein, or having liens or encumbrances thereon, against loss by reason of defective titles, encumbrances, or adverse claims of title, or otherwise.

Surety insurance.

5. Fidelity and surety insurance, including within its meaning the guaranteeing of persons holding places of public or private trust, and guaranteeing and executing all bonds, undertakings, and contracts of suretyship, and guaranteeing the performance of contracts other than insurance policies, and not including guaranteeing the payment of mortgages or trust deeds.

Accident insurance.

6. Accident insurance, and either sickness or health insurance, including within its meaning insurance against injury, disablement or death resulting from traveling or general accidents, and against disablements resulting from sickness and every insurance appertaining thereto.

Plate glass insurance.

7. Plate glass insurance, including within its meaning all insurance against breakage of glass, whether local or in transit.

Liability insurance.

8. Liability insurance, including within its meaning workmen's compensation insurance and all other insurance against loss or damage resulting from accident to or injury, fatal or nonfatal, suffered by an employee or other person, and for which the insured is liable.

Boiler insurance.

9. Boiler and machinery insurance, including within its meaning insurance upon steam boilers and pipes, fly wheels, engines and machinery connected therewith or operated thereby, against explosion and accident, and against loss and damage to life or property resulting therefrom, and against loss of use and occupancy caused thereby.

Burglary insurance.

10. Burglary insurance, including within its meaning insurance against loss by burglary or theft or both.

Credit insurance.

11. Credit insurance, including within its meaning insurance of merchants, traders, and those engaged in business and giving credit for loss and damage by reason of giving and extending credit to their customers and those dealing with them, and insurance or guarantee either by agreement to purchase uncollectible debts or otherwise, against loss or damage from the failure of persons indebted or to become indebted to the insured, or to meet existing or contemplated liabilities.

12. Sprinkler insurance, including within its meaning insurance against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers, pumps or other apparatus placed for extinguishing fires, and of water pipes, and against accidental injury to such sprinklers, pumps, or other apparatus. Sprinkler insurance.

13. Team and vehicle insurance, including within its meaning insurance against loss or legal liability for loss because of damage to property caused by the use of teams or vehicles whether by accident or collision or by explosion of any engine or tank or boiler or pipe or tire of any vehicle, and also including insurance against theft of the whole or any part of any vehicle; the term vehicle as here used does not include ships or vessels nor boats nor any railroad rolling stock. Team insurance.

14. Automobile insurance, including within its meaning the insurance of the owners of or dealers in automobiles against any and all hazards incident to ownership, maintenance, operation and use of such automobiles. No company shall assume any hazard or risk upon an automobile unless authorized to assume hazards or risks of that character by its charter or articles of incorporation. Nothing herein contained shall be construed to prevent a fire insurance company from issuing a policy of insurance upon an automobile covering the fire hazard only, nor be construed to prevent a marine insurance company from issuing a policy of insurance upon an automobile covering the marine hazard of transportation only, nor be construed to prevent a life insurance company which also transacts liability insurance from issuing a policy of insurance upon an automobile, covering the liability hazard only. Auto-mobilo insurance.

15. Mortgage insurance, including within its meaning the guaranteeing of the payment of the principal, interest and other sums agreed to be paid under the terms of any note or bond secured by mortgage or trust deed, or other sums secured under the terms of any such mortgage or trust deed, in its entirety, or of an undivided or other partial interest in any such mortgage or trust deed, or in a group of such mortgages or trust deeds, and the guaranteeing or insuring, directly or indirectly, against loss thereon. Mortgage insurance.

16. Miscellaneous insurance, including within its meaning lightning, windstorm, tornado and earthquake insurance, and any and all casualty insurance not included in any of the foregoing kinds, and which is a proper subject of insurance. Miscell-aneous insurance.

No company shall do any of the foregoing sixteen kinds of insurance unless authorized to do so by its charter. No company having a capital stock shall do life insurance in California without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other of said kinds of insurance, except the sixth and eighth classes; *provided*, that any such insurance company desiring to do either the sixth or eighth class, must have in addition to such two hundred thousand dollars of capital stock, at least fifty thousand dollars of capital stock for each class it desires. Requisites to do business.

Requisites
to do busi-
ness.

to do, and one hundred thousand dollars additional capital stock to do both such additional classes. No company having a capital stock shall do in California any fire insurance without having a capital stock of at least two hundred thousand dollars nor shall any such company do in California, any other of said kinds of insurance, except the third, ninth, twelfth, fourteenth and sixteenth classes. To do both fire and marine insurance such company must have a capital stock of at least four hundred thousand dollars, and to do any other class of insurance, such company must have an additional capital stock of at least fifty thousand dollars for each such additional class that it desires to do, in addition to the two hundred thousand dollars required if it does fire insurance or the four hundred thousand dollars required if it does both fire and marine insurance. No company having a capital stock shall do in California any of said third kind of insurance without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other of said kinds of insurance except the second, thirteenth, fourteenth and sixteenth classes. To do both fire and marine insurance such company must have a capital stock of at least four hundred thousand dollars, and to do any other class of insurance, such company must have an additional capital stock of at least fifty thousand dollars for each such additional class it desires to do, in addition to the two hundred thousand dollars required if it does marine insurance or the four hundred thousand dollars required if it does both marine and fire insurance. No company having a capital stock shall do in California any of the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth or sixteenth of said kinds of insurance without having a capital stock of at least one hundred thousand dollars for the first class of insurance such company desires to do, nor do any other of such classes without having in addition to such one hundred thousand dollars of capital stock at least fifty thousand dollars additional capital stock for each additional kind of insurance that it desires to do. Except as above prescribed, no company doing either the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth or sixteenth classes of insurance, shall do any of the first, second or third classes of insurance. No company doing the fourth class of insurance shall do any other class of insurance, and no company doing the fifteenth class of insurance shall do any other class of insurance, and no company doing any other class of insurance shall do either the fourth class or the fifteenth class of insurance.

Capital
stock to be
paid up.

Such capital stock required must be fully paid up before doing any such business in the State of California, except that companies incorporated under the laws of California, must have at least twenty-five per cent of their capital stock paid in previous to the issuance of any policies and the residue within twelve months of the filing of the articles of incorporation with the secretary of state. If such residue is not paid

within twelve months, the insurance commissioner must cancel any certificate of authority previously issued to such company. The capital stock required must be unimpaired and shall be exclusive of all liabilities for losses reported, expenses, taxes and reinsurance of all outstanding risks as provided in sections six hundred and two and six hundred and two *a* of the Political Code. Every company organized or formed under the laws of any other state or country as a mutual or as a joint stock and mutual company having a capital stock less than as above prescribed must have in lieu of such capital stock available cash assets of at least two hundred thousand dollars above all liabilities for losses reported, expenses, taxes and reinsurance of all outstanding risks as provided in sections six hundred and two and six hundred and two *a* of the Political Code. No company shall do in California any title insurance without having at least one hundred thousand dollars of capital stock fully paid in in cash, previous to the issuance of any policy; and no company shall do in California any mortgage insurance without having at least one hundred thousand dollars of capital stock fully paid in in cash, previous to the issuance of any policy.

CHAPTER 270.

An act to amend the Civil Code by changing the headings of the title to chapter II, of title II, of part IV, of division first of said Civil Code, and to amend sections 421 and 429, of said Civil Code, and to repeal section 432 of said Civil Code forming part of said chapter II, and to add to said Civil Code a new chapter to be known as chapter VII, of title II, of part VI, of division first of said Civil Code relating to title insurance companies.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The headings of the title of chapter II, of title II, of part IV, of division first, of the Civil Code are hereby changed to read as follows:

CHAPTER II.

FIRE AND MARINE INSURANCE CORPORATIONS.

- Sec. 424. Payment of subscriptions. Capital to be all paid in twelve months.
 Sec. 425. Certificate of capital stock paid up to be filed, and when.
 Sec. 426. Property which may be insured.
 Sec. 428. Limit of one risk.
 Sec. 429. Amounts to be reserved before making dividends.
 Sec. 430. Reservations by companies with less than two hundred thousand dollars capital.

SEC. 2. Section 421 of the Civil Code is hereby amended to read as follows:

421. Companies organized under the laws of this state for the transaction of business in any kind of insurance may

Investments of insurance companies.

Invest-
ments of
insurance
companies.

invest their capital and accumulations in the following named securities:

1. In the purchase of, or loans upon interest-bearing bonds of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

2. In the purchase of, or loans upon interest-bearing bonds of any of the states of the United States not in default for interest on such bonds, including bonds of this state, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest.

3. In the purchase of, or loans upon interest-bearing bonds of any of the counties and incorporated cities and towns and duly organized school districts of any state or territory of the United States not in default for interest on such bonds.

4. In the purchase of, or loans upon interest-bearing bonds of irrigation districts as provided or authorized by section 8 of an act entitled "An act relating to bonds of irrigation districts, providing under what circumstances such bonds may be made legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and trust funds, and providing for the deposit of such bonds as security for public moneys, and providing for a commission for approving certain bonds of irrigation districts, for a report thereon, for the filing of such report, for a certificate of the state controller, and for the recording of such bonds in the office of the state controller," approved December 18, 1911.

5. In loans secured by mortgage or deed of trust upon unencumbered real estate, improved or unimproved, or in the purchase of, or loans upon notes or bonds so secured; *provided*, that the principal so loaned, or the entire note or bond issue under such mortgage or deed of trust shall not exceed sixty per centum of the market value of such real estate with improvements taken as security; *and provided, further*, in case said loan is made, or said note or bond issue created for a building loan on real estate, that at no time shall the principal so loaned or the entire note or bond issue exceed sixty per centum of the market value of the real estate and the actual cost of the improvements thereon taken as security.

6. Companies organized for and engaged in the business of fire, life, health, accident and marine insurance, may, after the investment of two hundred thousand dollars, and companies duly formed or organized for the transaction of business in any other kind of insurance except mortgage insurance may, after the investment of one hundred thousand dollars, in the manner provided in subdivisions one, two, three, four and five of this section, invest the balance of their capital and any accumulations in the purchase of or loans upon the stock of any corporation (except mining companies) organized and carrying on business under the laws of the State of California which have at the time of investment a market value of not less than their

paid in value, and which are rated as first-class securities, or in interest-bearing bonds of any corporation of any state or territory of the United States not in default for interest on such bonds; *provided*, that a two-thirds vote of all the directors of such corporation shall approve such investment. It shall be the duty of the officers of such corporation to report quarterly during the months of January, April, July and October of each year to the insurance commissioner a list of such investments so made by them, and the insurance commissioner may, if such investment, or any of them, seem injudicious to him, require the sale of the same. But no investment in the securities named in subdivisions one, two, three, four and six of this section must be made in an amount exceeding the market value of such securities, at the date of such investment.

7. Life insurance companies may loan upon their own policies; *provided*, that the amount so loaned upon each policy shall not exceed the reserve against said policy at the time said loan is made; *provided, further*, that no policy loans whatever shall ever be used as security which may be deposited with the insurance commissioner under section 634 of the Political Code; *and provided, further*, that whenever any such loan in any amount is made on a policy registered with the insurance commissioner under said section 634 of the Political Code, such registration shall be forthwith canceled.

Policy loans.

SEC. 3. Section 429 of the Civil Code is hereby amended to read as follows:

429. No corporation formed subsequent to April first, eighteen hundred and seventy-eight, under the laws of this state, and transacting fire, marine or inland navigation insurance business, must make any dividends except from profits remaining on hand after retaining unimpaired:

Dividends from profits only.

1. The entire subscribed capital stock.
2. All the premiums received or receivable on outstanding marine or inland risks, except marine time risks.
3. A fund equal to one half of the amount of all premiums on all other risks not terminated at the time of making such dividend.
4. A sum sufficient to pay all losses reported or in course of settlement, and all liabilities for expenses and taxes.

SEC. 4. Section 432 of the Civil Code is hereby repealed.

SEC. 5. A new chapter is hereby added to the Civil Code, to be known as chapter VII, of title II, of part IV, of division first, of said Civil Code, relating to title insurance corporations, and to read as follows:

CHAPTER VII.

TITLE INSURANCE CORPORATIONS.

- Sec. 453a. Title insurance companies subject to insurance laws and to insurance commissioner.
- Sec. 453b. Guarantee fund and investments.
- Sec. 453c. Title insurance surplus fund.
- Sec. 453d. Policy of title insurance defined.
- Sec. 453e. Further powers of title insurance companies.
- Sec. 453f. Combined title insurance and trust company.

Sec. 453z. Loans to directors, officers and employees.
 Sec. 453y. Must have certificate of insurance commissioner.

Title insurance companies subject to insurance department.

453s. Every title insurance company shall be subject to and shall comply with all the requirements of the insurance laws and the rules and regulations of the insurance department of this state, and the insurance commissioner shall have the same power and authority regarding any such corporation that he may exercise in relation to other insurance corporations organized under the laws of this state including the right to examine and inspect the financial condition and affairs of such company relating to the insurance business of such company, and to compel compliance with the provisions of law governing any such corporation.

Guarantee fund securities.

453t. Every title insurance company, before issuing any guarantee or policy of insurance shall deposit as a "guarantee fund" for the benefit of the holders of such guarantees and policies of insurance, the sum of one hundred thousand dollars in the securities mentioned in subdivisions one, two, three, four and five of section 421 of the Civil Code, in which the capital and accumulations of insurance companies are allowed by the laws of this state to be invested. Said securities shall be subject to the approval of the insurance commissioner, and shall be deposited with the treasurer of state, and said treasurer shall give his receipt therefor, and the state shall be responsible for their custody and safe return. Said securities so deposited may be exchanged from time to time, with the approval of the insurance commissioner, for other securities receivable as aforesaid, and so long as the company so depositing said securities shall continue solvent, said company shall have the right and shall be permitted by the state treasurer to receive the interest and dividends on the securities so deposited. Said securities shall be subject to sale and transfer and to the disposal of the proceeds by said treasurer, only on the order of a court of competent jurisdiction, and for the benefit of the holders of such guarantees and policies of insurance. When any part of such deposit is made in bonds secured by mortgages or deeds of trust of real property, or in loans upon real property secured by mortgages or deeds of trust, such mortgages or deeds of trust shall be accompanied by evidence of title issued by a person, company, or corporation designated or approved by the insurance commissioner and authorized by law or otherwise found by the insurance commissioner to be competent to issue such evidence of title. Such evidence of title shall consist either of a full abstract of title, a full certificate of title, or a policy of title insurance, and such evidence of title shall be examined and approved by or under the direction of the insurance commissioner. The value of the property covered by each such mortgage or deed of trust, shall be appraised by one or more appraisers selected or approved by the insurance commissioner. The appraisers shall be residents of the county in which the property or some part thereof is situated. The reasonable cost of examining such evidence of title and of making such appraisalment, shall be paid by the title insurance

Evidence of title to real property.

Value of property.

company making such deposit, and shall not exceed twenty dollars for examining the title to the property covered by each mortgage or deed of trust, nor five dollars for each appraiser, not exceeding two, besides the necessary expenses of such appraisers. Any such corporation organized under the laws of this state and having a capital stock paid in, in cash, of more than one hundred thousand dollars and after depositing said guarantee fund as above provided, may invest an amount not exceeding fifty per cent of its subscribed capital stock in the preparation and purchase of materials or plant necessary to enable it to engage in such title insurance business; and such materials or plant shall be deemed an asset, valued at the actual cost thereof, in all statements and proceedings required by law for the ascertainment and determination of the condition of such corporation, or at such lesser value as may be estimated by such corporation in any such statement or proceeding, or omitted entirely therefrom. Cost of examination
Plant.

453u. Every title insurance company shall annually set apart a sum equal to ten per cent of its premiums collected during the year, which sums shall be allowed to accumulate until a fund shall have been created equal in amount to twenty-five per cent of the subscribed capital stock of such corporation. Such fund shall be maintained as a further security to holders of the guarantees and policies of insurance issued by such corporation, and shall be known as the "Title insurance surplus fund"; and if at any time such fund shall be impaired by reason of a loss, the amount by which it may be impaired shall be restored in the manner hereinabove provided for its accumulation. The reporting of a loss shall be deemed an impairment of such fund for the purposes of this section. Such corporation must not make any dividends except from profits remaining on hand after retaining unimpaired: "Title insurance surplus fund."
Dividends.

1. The entire subscribed capital stock.
2. The amount set apart as a surplus fund under the provisions of this section.
3. A sum sufficient to pay all liabilities for expenses and taxes, and all losses reported or in course of settlement, without impairment of the title insurance surplus fund required to be set apart as hereinabove provided.

453v. Any written contract or instrument purporting to show the title to real property, or furnish information relative thereto, which shall in express terms purport to insure or guarantee such title or the correctness of such information, shall be deemed a policy of title insurance. Policy of title insurance defined.

453w. Every title insurance company organized under the laws of this state shall also have power to guarantee or insure the identity, due execution, and validity of any note or bond secured by mortgage or trust deed, and the identity, due execution and validity and recording of any such mortgage or trust deed, and the identity, due execution and validity of bonds, notes or other evidence of indebted- May guarantee notes and bonds.

ness issued by this state, or by any county, city and county, city, school district, irrigation district or other municipality or district therein, or by any private or public corporation, and to act as registrar or transfer agent of this state, or of any county, city and county, city, school district, irrigation district, or other municipality or district therein, or of any private or public corporation, and to transfer or countersign any such bonds, notes or other evidence of indebtedness and to transfer or countersign certificates of stock of any private or public corporation.

May do
trust
business.

453x. Any title insurance corporation incorporated under the general incorporation laws of this state, authorized by its articles of incorporation to act as executor, administrator, guardian, assignee, receiver, depository, agent or trustee, or to do a general trust business, and having a capital of not less than three hundred thousand dollars actually paid in, in cash, may also do business as a trust company, and maintain a trust department as well as a title insurance department, on compliance with the following conditions:

Consent
of super-
intendent
of banks,
and of
insurance
commissioner.

1. When such title insurance company desires to do such a departmental business, it shall first obtain the consent of both the superintendent of banks and of the insurance commissioner, and in its application for such consent, must file a statement making a segregation of its capital and surplus for each such department. At least two hundred thousand dollars of its capital must be apportioned by such statement to its trust department. The respective portions of such capital and surplus, when such apportionment has been approved by the superintendent of banks and by the insurance commissioner, shall be considered and treated as the separate capital and surplus of each such department respectively, as if each such department was a separate business.

Title
department
subject to
insurance
laws.

2. Such company, as to its title insurance department, shall be subject to and shall comply with all the requirements of the insurance laws and the rules and regulations of the insurance department of this state, and may invest its capital apportioned to its title insurance department, and the accumulations therefrom, in the securities in which the capital and accumulations of insurance companies are allowed by the laws of this state to be invested, including the materials and plant necessary to enable it to engage in the title insurance business, as provided in this chapter.

Trust
department
subject to
banking
laws.

3. Such company, as to its trust department, shall be subject to and shall comply with all the requirements of the banking laws and the rules and regulations of the state banking department of this state, and may invest its capital apportioned to its trust department, and the accumulations therefrom, and trust funds received by it, in accordance with the laws of this state relative to the investment of funds of trust companies.

453y. No corporation shall make any contract or issue any policy of guarantee or insurance affecting titles to real estate,

or engage in the business of a title insurance company, until it has obtained from the insurance commissioner his certificate that such company has complied with the provisions of this chapter and is duly authorized to do business as such title insurance company; *provided, however*, that any corporation heretofore organized under the laws of this state for the purpose of issuing policies of insurance affecting title to real estate, or for the purpose of carrying on, and which is actually engaged in the business of title insurance, or of issuing policies of insurance affecting titles to real estate, shall be subject to and shall be entitled to all the rights and privileges of a title insurance company under the provisions of this chapter, by depositing with the state treasurer the guarantee fund required to be deposited by title insurance corporations; *provided*, such deposit is made at any time prior to the first day of January, A. D. 1914, and any such corporation heretofore organized shall have the right to continue to transact such business until said date; *and provided, also*, that the failure to deposit said guarantee fund prior to said date shall be deemed an abandonment of all such rights and privileges.

Certificate of insurance commissioner necessary.

453z. No loan shall be made by any title insurance company, directly or indirectly, to any of its officers or directors or employees or to any member of the family of any officer or director. Any officer, director, agent or employee of any such company who knowingly consents to any violation of the terms or provisions of this section shall be guilty of a misdemeanor.

No loans to officers.

Penalty.

CHAPTER 271.

An act amending section six hundred and two a of the Political Code of the State of California, relating to the reserve of companies transacting liability insurance business.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. Section six hundred and two a of the Political Code of the State of California, is hereby amended to read as follows:

602a. In estimating the condition of any company engaged in the business of liability insurance under the provisions of this article the insurance commissioner shall charge as liabilities all outstanding indebtedness of such company, and the premium reserve of policies in force, equal to the unearned portions of the gross premiums charged for covering risks, computed on each respective risk from the date of the issuance of the policy. The indebtedness for outstanding losses under insurance against loss or damage resulting from accident to or injuries suffered by an employee or other person and for which the insured is liable, and under insurance against loss from liability on account of the death of or injury to an

Estimate of indebtedness of liability insurance companies.

employee not caused by the negligence of the employer, shall be determined as follows: Each corporation which writes policies covering any of the said kinds of insurance shall include in the annual statement a schedule of its experience thereunder, in the United States and foreign countries in the case of corporations organized in the United States, and in the United States only in the case of corporations organized outside of the United States giving each calendar year's experience separately, and crediting or charging each item to the year in which the policy to which it relates was written, as follows: (1) the earned premiums on all such policies written during the period of ten years immediately preceding the date as of which the statement is made, being the gross premiums on all such policies including excess and additional premiums and premiums in course of collection, less return premiums and premiums on canceled policies, and less the unearned premiums on policies in force as shown in such annual statement; (2) the amount of all payments of whatsoever nature made by reason or on account of injuries covered by such policies written during said period. This amount shall include medical and surgical attendance, payments to claimants, legal expenses, salaries and expenses of investigators, adjusters, and field men, rents, stationery, telegraph and telephone charges, postage, salaries and expenses of office employees, home office expenses, and all other payments made on account of such injuries, whether such payments are allocated to specific claims or are unallocated; (3) the number of suits being defended at the date as of which the statement is made under policies written during said period, except suits in which liability is not dependent upon negligence of the insured, and a charge of seven hundred and fifty dollars for each suit; (4) the number of deaths for which the insured are liable without proof of negligence, covered by policies written during said period, and not paid for at the date as of which the statement is made and a charge of the amount necessary to pay for such deaths; (5) the number of unpaid claims at the date as of which the statement is made on account of nonfatal injuries for which the insured are liable without proof of negligence, covered by policies written during said period, and a charge equal to the present value of the estimated future payments; (6) the loss ratio determined from the foregoing as to each year separately using as the divisor the earned premiums shown in item (1) and as the dividend the amount of payments shown in item (2) plus the amounts charged in items (3), (4) and (5); (7) the number of suits being defended at the date as of which the statement is made under policies written more than ten years prior to such date, except suits in which liability is not dependent upon negligence of the insured; (8) the number of deaths for which the insured are liable without proof of negligence, covered by policies written more than ten years prior to the date as of which the statement is made,

Earned
premiums.

Payments
for
injuries.

Suits
defended.

Deaths
not paid
for.

Unpaid
claims.

Loss
ratio.

Suits
defended

Deaths
not paid
for.

and not paid for at such date; (9) the number of unpaid claims at the date as of which the statement is made on account of nonfatal injuries for which the insured are liable without proof of negligence, covered by policies written more than ten years prior to such date. All unallocated payments in item (2) made in a given calendar year subsequent to the first four years in which a corporation has been issuing such policies shall be distributed as follows: thirty-five per centum shall be charged to the policies written in that year, forty per centum to the policies written in the preceding year, ten per centum to the policies written in the second year preceding, ten per centum to the policies written in the third year preceding, and five per centum to the policies written in the fourth year preceding, and such payments made in the first four calendar years in which a corporation has been issuing such policies shall be distributed as follows: in the first calendar year one hundred per centum shall be charged to the policies written in that year, in the second calendar year fifty per centum shall be charged to policies written in that year and fifty per centum to the policies written in the preceding year, in the third calendar year forty per centum shall be charged to the policies written in that year, forty per centum to the policies written in the preceding year, and twenty per centum to the policies written in the second year preceding, and in the fourth calendar year thirty-five per centum shall be charged to the policies written in that year, forty per centum to the policies written in the preceding year, fifteen per centum to the policies written in the second year preceding, and ten per centum to the policies written in the third year preceding, and a schedule showing such distribution shall be included in such annual statement. Each such corporation shall be charged with indebtedness for outstanding losses upon such policies determined as follows: (10) for all suits being defended under policies written more than ten years prior to the date as of which the statement is made, except suits in which liability is not dependent upon negligence of the insured, one thousand dollars for each suit; (11) for all suits being defended under policies written more than five years and less than ten years prior to the date as of which the statement is made, except suits in which liability is not dependent upon negligence of the insured, seven hundred and fifty dollars for each suit; (12) for all deaths for which the insured are liable without proof of negligence, covered by policies written more than five years prior to the date as of which the statement is made, the amount necessary to pay for such deaths; (13) for all unpaid claims on account of nonfatal injuries for which the insured are liable without proof of negligence under policies written more than five years prior to the date as of which the statement is made, the present value of the estimated future payments; (14) for the policies written in the five years immediately preceding the date as of which the statement is made an amount determined as follows: multiply the earned premiums of each of such five years as shown in

Unpaid claims.

Distribution of unallocated payments.

Indebtedness for outstanding losses.

On policies written in five years.

Ratio after
1913.

item (1) by the loss ratio ascertained as in item (6) on all the policies written in the first five years of the said ten-year period using as the divisor the sum of the earned premiums shown in item (1) for such first five years, and as the dividend the sum of the payments shown in item (2) for such first five years plus the sum of the charges in items (3), (4) and (5) for such first five years, but the ratio to be used shall in no event be less than fifty-two per centum at and after December thirty-first, nineteen hundred and thirteen, nor less than fifty-three per centum at and after December thirty-first, nineteen hundred and fourteen, nor less than fifty-four per centum at and after December thirty-first, nineteen hundred and fifteen, nor less than fifty-five per centum at and after December thirty-first, nineteen hundred and sixteen; *provided, furthermore*, that in the case of insurance covering liability for workmen's compensation the ratio to be used shall in no event be less than seventy per centum at and after December thirty-first, nineteen hundred and thirteen, nor less than seventy-two per centum at and after December thirty-first, nineteen hundred and fourteen, nor less than seventy-four per centum at and after December thirty-first, nineteen hundred and fifteen, nor less than seventy-five per centum at and after December thirty-first, nineteen hundred and sixteen, and from the amount so ascertained in each of the last five years of said ten-year period deduct all payments made under policies written in the corresponding year as shown in item (2), and the remainder in the case of each year shall be deemed the indebtedness for that year; *provided, however*, that if the remainder in the case of any year of the first three years of the five years immediately preceding the date as of which the statement is made shall be less than the sum of the three following items for that year at that date—(a) the number of suits, except suits in which liability is not dependent upon negligence of the insured, being defended under policies written in that year and a charge of seven hundred and fifty dollars for each suit, (b) the amount necessary to pay for all deaths for which the insured are liable without proof of negligence, covered by policies written in that year, and (c) the present value of estimated unpaid claims on account of non-fatal injuries for which the insured are liable without proof of negligence, covered by policies written in that year—then the sum of said items (a), (b) and (c) shall be the indebtedness for that year. A corporation which has been issuing such policies for a period of less than ten years shall nevertheless include in its annual statement, a schedule as hereinbefore required for the years in which it shall have issued such policies, and shall be charged with an indebtedness determined in the same manner, but in determining the indebtedness for policies written in the five years immediately preceding the date as of which the statement is made, the minimum ratio hereinbefore prescribed shall be used subject to the same deductions and provisions as in the case of corporations that have been issuing such policies for ten years or more.

Companies
issuing
policies
less than
ten years.

CHAPTER 272.

An act to authorize and empower municipal corporations which own or possess, or which may hereafter own or possess, tidal lands, or the title thereto, of any harbor or other navigable waters therein to establish harbor lines for such waters; to validate harbor lines heretofore established by such municipal corporations; to provide for the free and unobstructed navigation of such waters, and to authorize and empower such municipal corporations to provide access to such waters by public streets, highways and other public rights of way to such navigable waters and to prevent the exclusion or obstruction thereof; and to authorize and validate the filling in and improving of tidal lands between the mainland and harbor lines fixed by municipal or other authority.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. Any municipal corporation that, by grant from the State of California, or otherwise, owns, holds or possesses, or may hereafter own, hold or possess tide lands and submerged lands, or the title to such lands, situated within the boundaries of such municipal corporation and fronting on the waters of any harbor, bay, inlet, estuary or other navigable water within the boundaries of such municipal corporation, is hereby granted power and authority, to be exercised by ordinance, to fix and establish harbor lines, both pier-head and bulkhead lines, in and for such harbor, bay, inlet, estuary or other navigable water, and to change or abolish such harbor lines as the public interest or the needs of commerce and navigation may require. That the aforesaid power and authority is hereby granted and shall be exercised by any municipal corporation to the same extent to which the State of California might itself exercise the same, or to which it can grant such power to any such municipal corporation; *provided*, that no such harbor lines shall be fixed or established beyond or outside of any harbor lines established by the United States.

Cities may establish harbor lines.

SEC. 2. All ordinances of any municipal corporation of this state, holding and possessing tide lands and submerged lands or the title thereto, fronting on the waters of any harbor, bay, inlet, estuary or other navigable water situated within the boundaries of such municipal corporation, which ordinances may have been adopted prior to the passage of this act, in the manner prescribed by law for the adoption of ordinances by such municipal corporation, and which ordinances fix or establish harbor lines upon or adjacent to such tide lands and submerged lands, are hereby confirmed, legalized and validated, in so far as the same purport to fix or establish harbor lines, and, except in so far as the harbor lines

Ordinances confirmed.

so established may be located or extend beyond or outside of harbor lines established under the authority of the United States; and all such harbor lines so established, by any such municipal corporation, except as aforesaid, are hereby recognized as and declared to be harbor lines of the harbor, bay, inlet, estuary or other navigable water for which they were so established; *provided, however*, that such harbor lines may be hereafter altered, modified or abolished by such municipal corporation as the public interest and the needs of commerce and navigation may require.

Waters to remain open to public

SEC. 3. That all navigable waters of any harbor, bay, inlet, estuary or other navigable water situated within or adjacent to any municipal corporation, shall be and remain open to the free and unobstructed navigation of the public, and such waters and the water front thereof shall also be and remain open to free and unobstructed access thereto by the people from the public streets and highways within such municipal corporation, and public streets and highways and other public rights of way shall likewise be and remain open to the free and unobstructed use of the public from such waters and the water front thereof to such public streets and highways; and in order to secure to any such municipal corporation, and to the people generally, the benefits of this act and the benefits of the provisions of article XV of the constitution of the State of California, every municipal corporation in which there is situated any harbor, bay, inlet, estuary or other navigable water, shall have, and is hereby granted power and authority to establish by ordinance, such public streets, highways and other public rights of way to such waters as are or may be required for any public purpose over, upon or along the tide lands or submerged lands in such municipal corporation, fronting on the waters of such harbor, bay, inlet, estuary or other navigable water, for the purpose of connecting such navigable waters with public streets and other highways of such municipal corporation, or for any other public purpose, and to lay out, open, widen, narrow, close up, construct, maintain, and improve such streets, highways and other public rights of way; and to fill in or authorize to be filled in all or any part of tide lands and submerged lands lying between said streets and lying between the mainland and harbor lines established by said municipal or other authority; *provided*, that when any such lands are so filled in, sufficient streets shall be opened and maintained open through or adjacent to such lands so filled in to enable the public to have convenient and adequate access to and along the water front of such lands and to such navigable waters. That the power and authority hereby granted shall apply to, and be exercisable by any such municipal corporation, over, along or upon the water frontage or tide lands or submerged lands of any such harbor, bay, inlet, estuary or other navigable water that is owned or possessed, or that may hereafter be owned or possessed, or the title to which is now or may hereafter be held by any such municipal corporation, and

Streets to waters.

May fill in tide lands.

Power over water frontage.

to any such water frontage or tide land or submerged land that is, or may be, claimed or possessed by any individual, partnership or corporation; and the ordinances of any such municipal corporation that may have heretofore been adopted, in the manner prescribed by law for the adoption of ordinances by said municipal corporation, for the laying out, establishing, opening, constructing, maintaining or otherwise improving of public streets, highways and other public rights of way of the character mentioned in this section, are hereby confirmed, legalized and validated.

Individuals may not obstruct right of way to waters.

SEC. 4. Whenever any municipal corporation, shall, by ordinance regularly adopted, declare, or shall have heretofore declared, that any right of way to the navigable water of any harbor, bay, inlet, estuary or other navigable water in such municipality is required for any public purpose, over, upon or along the frontage of tide or submerged lands thereof, no individual, partnership or private corporation claiming or possessing such frontage or tide or submerged lands shall obstruct, hinder or impede such municipal corporation, or the officers thereof in any manner, in laying out, establishing, opening, constructing or otherwise improving, or maintaining such right of way, or exclude such right of way, or obstruct or prevent the free use thereof by such municipal corporation or the public generally.

CHAPTER 273.

An act to provide for the assessment of property in cities governed under freeholders' charters, framed under the provisions of the constitution of this state, for the municipal taxes of such cities, and for the equalization and correction of such assessment by county officers, for the collection and enforcement of the payment of such taxes, including delinquent taxes, by such officers, for the sale and redemption from sale of property sold for the non-payment of such taxes, and for the performance by county officers of the duties of officers of such cities respecting said matters; and to provide for the compensation to be paid to counties by such cities for the services performed by such county officers for such cities under the provisions of this act.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The duties of the officers of any city governed under a freeholders' charter framed, ratified and approved in accordance with the provisions of the constitution of this state, with respect to the assessment of property in such city for the municipal taxes thereof, to the equalization and correction of such assessment, to the collection, payment and enforcement

Assessment, collection, etc., of city taxes by county officers authorized.

of such taxes, including delinquent taxes, and to the redemption of such property from sale or other penalty for the non-payment of such municipal taxes, shall be performed by officers of the county in which such city is situated, when such performance is required of them as in this act provided.

Duty of county officers to assess, collect, etc., city taxes.

SEC. 2. Whenever the charter of any city mentioned in section one of this act, or any amendment to such charter, or any ordinance of such city authorized by and adopted under such charter or amendment thereto, shall provide that the duties of the council, or other legislative body, assessor, tax collector or other officers of such city with respect to the assessment of property in such city for the municipal taxes thereof, to the equalization and correction of such assessment, to the collection, payment and enforcement of such taxes, including delinquent taxes, and to the redemption of such property from sale or other penalty for non-payment of the municipal taxes of such city, shall be performed by certain designated officers of the county in which such city is situated, as set forth in such charter, or amendment thereto, or in such ordinance, it shall be the duty of such county officers so designated to perform such duties in accordance with the provisions of this act; *provided, however*, that the several county officers so designated to perform such duties for such city shall be officers who respectively perform duties of the same character as the officers of such city whose duties are to be performed by such county officers.

Copy of charter, etc., filed with supervisors.

SEC. 3. Upon the taking effect of any such charter, charter amendment or ordinance of such city, providing that the duties of the officers of such city with respect to the matters mentioned in section two of this act shall be performed by the officers of the county in which such city is situated, a copy thereof, certified by the city clerk of such city, shall be filed with the board of supervisors of such county, on or before the first Monday in February immediately following the taking effect of such charter, charter amendment or ordinance. The board of supervisors shall thereupon cause notice of such charter, charter amendment or ordinance to be given to the several county officers designated therein, and thereafter the assessment list of all property within such city, as contained in the assessment roll made annually by the county assessor and equalized and corrected by the county board of supervisors, of all property assessed for taxation for county purposes in such county shall be the assessment roll of the property within such city assessed for the purpose of the municipal taxes of such city, and such assessment roll shall be used as the basis for the levy of such municipal taxes. If, subsequent to the incorporation of such city, additional territory has been added thereto, as originally incorporated, either by annexation of new territory thereto, or by the consolidation of other municipal corporations therewith, it shall be the duty of the county assessor in making the assessment of the property in such city, to list separately the property situated within the

Separate list of property in annexed territory.

limits of such city as originally incorporated, and the property situated within the boundaries of each such subsequent addition of territory thereto, and each such separate list shall be so headed and indicated in such assessment roll that all property within the original limits of such city shall appear therein as being so situated, and all property situated within any territory subsequently added thereto by any such annexation or consolidation, shall appear therein as being so situated, and the date of each such addition of territory shall also be specified therein. As soon as practicable after the first Monday in March next succeeding the taking effect of such charter, charter amendment or ordinance, the city clerk of such city shall deliver to the county assessor of such county, a statement in writing showing, separately, the exterior boundaries of said city, as originally incorporated, and the exterior boundaries of each body of new territory subsequently added thereto, as aforesaid, together with the date of each such addition of new territory; and as soon as practicable after the first Monday in March of each succeeding year, a like statement shall be so delivered showing the boundaries of any new territory so added to such city since the delivery of the last preceding statement, together with the date of such addition of new territory.

Statement showing separate boundaries.

SEC. 4. The county auditor of the county in which such city is situated must, on or before the second Monday in August of each year, transmit to the council or other legislative body of such city a statement in writing showing the total assessed valuation of all property within such city, which value shall be ascertained from the assessment roll of such county, equalized and corrected by the board of supervisors thereof in the manner provided by law, and showing the total assessed valuation of all property within the limits of such city as originally incorporated, and the total assessed valuation, separately, of all property in each body of new territory so added to such city subsequent to the original incorporation thereof. Upon the delivery to the county auditor, not later than the first day of September, of each year, of a statement, certified by the city clerk of such city, showing the levy, or rate or rates per cent of taxes levied by the council or other legislative body of such city, for all municipal purposes for such year, including amounts required for the payment of interest and sinking funds for the bonded indebtedness of such city, and showing separately, the rate of taxes so levied upon all property within the limits of such city as originally incorporated, and the rate upon all property within the boundaries of each portion of such city added thereto subsequent to the original incorporation thereof as aforesaid, the county auditor must compute and enter in a separate column in the assessment books of the property in such city, for such year, to be headed "City tax, city of ———," (stating name of city), the several sums in dollars and cents to be paid as a municipal tax on the property therein enumerated and

County auditor's statement of property valuations.

Rates.

assessed as being in such city, using the rate or rates of levy as fixed by the legislative body thereof, and the assessed value as found in such assessment books. Such taxes so levied shall be collected by the county tax collector, at the same time and in the same manner as the county taxes of such county. On Monday of each week, the county tax collector shall pay to the treasurer of such city, the amount of all taxes so collected by such county tax collector for and on behalf of such city, during the preceding week, after making the deduction therefrom hereinafter specified; and whenever any delinquent city taxes, together with costs and penalties thereon, have been paid to the county treasurer, or whenever any property in such city has been sold for the non-payment of the city taxes thereon, and has been redeemed, the county treasurer shall likewise pay to the treasurer of such city, on Monday of each week, the amount of such delinquent taxes, and all costs and penalties thereon so collected by such county treasurer during the preceding week, and the money collected for any such redemption, after making the deductions therefrom hereinafter specified.

Collection.

Weekly
payments
to city
treasurer.

Sale of
city prop-
erty for
taxes.

SEC. 5. Whenever the duties of the officers of any city with respect to the assessment of property therein for the municipal taxes of such city and to the collection of such taxes, are performed by county officers under the provisions of this act, the collection of unpaid municipal taxes of such city, levied on any property by such city, shall be enforced by the sale of such property in the same manner and at the same time, and upon the same penalties, as property sold for non-payment of county taxes, and real property so sold may be redeemed within the same time and upon the same terms as property sold for the non-payment of county taxes; and whenever any real property situate in such city has been sold for taxes and has been redeemed, the money paid for such redemption shall be apportioned by the county auditor to, and shall be paid to, such city in the proportion which the tax due such city bears to the total tax for which such real property was sold; *provided, however*, that upon the taking effect of any charter, charter amendment, or ordinance to the effect mentioned in section two of this act, all taxes of such city that shall have been levied prior thereto, including delinquent taxes, shall be collected, the payment thereof enforced in the same manner and upon the same penalties, and property may be sold for the non-payment thereof and may be redeemed from such sale in the same manner and under the same conditions as provided by the laws in force in said city at the time of the taking effect of such charter, charter amendment or ordinance; and such officers of such city as may be provided under the charter or ordinance thereof, shall collect and enforce the payment of such taxes, including delinquent taxes, and do any and all things that may be necessary in the sale of property for the non-payment of such taxes and in the redemption thereof from such sale.

SEC. 6. Whenever any charter provision, or any ordinance of the character mentioned in section two of this act shall be repealed, the duties authorized by such charter provision or ordinance so repealed to be performed by officers of the county in which such city is situated, shall thereupon cease to be performed by such officers; *provided, however,* that upon such repeal, all taxes of said city that shall have been levied prior thereto, including delinquent taxes, shall, as in this act provided, be collected, the payment thereof enforced in the same manner and upon the same penalties, and property may be sold for the non-payment thereof and may be redeemed from such sale, in the same manner and under the same conditions as provided by laws applicable to the collection and enforcement of the payment of county taxes, including delinquent taxes, and to the sale and redemption from sale of property sold for the non-payment of county taxes; and the officers of such county shall have all the powers and perform all the duties relative thereto as may be provided by law in the case of county taxes and the sale and redemption from sale of property for the non-payment thereof.

Repeal of ordinance.

SEC. 7. The amount of compensation to be charged by and paid to any county for the performance of services contemplated by the provisions of this act, for and on behalf of any city in such county, shall be fixed by agreement between the board of supervisors of such county and the legislative body of such city; *provided, however,* that such compensation shall in no event exceed one half of one per cent of all moneys collected for such city as in this act provided. The board of supervisors shall, by an order spread upon its minutes, direct that the county tax collector and the county treasurer shall deduct from all taxes or moneys in their hands, collected for or on behalf of such city, and before the payment thereof to the treasurer of such city as in this act provided, the percentage thereof to be charged by such county for the services mentioned in this act, and such percentage so deducted shall be paid into or transferred to such fund of the county and in such manner as the board of supervisors shall direct.

Compensation of county.

Limit.

SEC. 8. This act shall in no wise affect any other act or acts providing that duties of officers of cities may be performed by county officers; and if any such act or acts provide for or apply to the performance by county officers of the duties of officers of cities governed under freeholders' charters, this act is intended to, and does provide an alternative method by which the duties of the officers of any such city with respect to the matters mentioned in section two of this act may be performed by officers of the county in which such city is situated.

Act provides alternative method.

CHAPTER 274.

An act to amend sections one, two, eight, and twenty-four of an act entitled, "An act to provide for the formation, organization and government of storm water districts, for the purpose of protecting the land therein from damage from storm water and from the waters from any innavigable stream, watercourse, canyon or wash, or for the purpose of saving and conserving any storm, flood, or snow water for beneficial and useful purposes, for the construction of the necessary works of protection and conservation of such storm or flood waters by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements," approved March 15, 1909.

[Approved June 3, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one of said act is hereby amended to read as follows:

Formation
of storm
water
districts.

Section 1. Storm water districts may be formed under the provisions of this act for the purpose of protecting the lands in such districts from damage from storm water, and from the waters from any innavigable stream, watercourse, canyon, or wash, or such districts may be formed for the purpose of spreading, conserving, storing, retaining or causing to percolate into the soil within such district any or all such waters.

Petition,
owners of
land.

When ten or more owners of land whose names appear as such upon the last assessment roll, in any district of land which lies in one body and is liable to damage from storm water or from the waters of any innavigable stream, canyon or wash, or when such owners desire to spread, conserve, store, retain, or cause to percolate into the soil within such district any or all of such waters, shall present a petition to the board of supervisors of the county in which said land lies, or if the same lies in more than one county, then to the board of supervisors of the county in which the greater area of such land lies, setting forth the exterior boundaries of said district and asking that the district so described be formed into a storm water district under the provisions of this act, the said board of supervisors shall pass a resolution declaring their intention to form and organize said portion of said county or counties into a storm water district for the purpose of protecting the lands therein from damage from storm water, and from the waters of any innavigable stream, canyon or wash, or for the purpose of spreading, conserving, storing, retaining or causing to percolate into the soil within such district any or all of such waters, and describing the exterior boundaries of the district. Said resolution shall fix a time and place for the hearing of the matter, not less than thirty days after the passage thereof, and

Time and
place for
hearing.

direct the clerk of said board to publish a notice of the intention of the board of supervisors to form such storm water district, and of the time and place fixed for the hearing, and shall designate some newspaper of general circulation, published and circulated in said proposed storm water district, or if there is no newspaper so published and circulated, then some newspaper of general circulation, published and circulated in each county in which any part of said proposed district is situated in which said notice is to be published.

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

Section 2. Thereupon said clerk shall cause to be published in the newspaper or newspapers so designated, for a period of twenty days before the date fixed for the hearing, a notice, which shall be headed "Notice of intention of the board of supervisors to form a storm water district." Said notice shall set forth the fact of the passage of such resolution with the date thereof, the boundaries of the proposed district, and the time and place for the hearing, and shall state that it is proposed to assess all property embraced in said proposed storm water district, for the purpose of paying the damages, costs and expenses of constructing and repairing such dikes, levees, ditches, canals, reservoirs, shafts and other improvements as may be necessary to protect the land in said district from damage from storm water and from waters of any innavigable stream, canyon or wash, or to sprcad. conserve, store, retain or cause to percolate into the soil within such district any or all of such waters, and the necessary expense of maintaining said district, and shall refer to the resolution for further particulars. Said clerk shall send a copy of said notice by registered mail, postage prepaid, to each owner of land in the proposed district whose name appears as such on the last assessment roll of the county or counties in which said proposed district lies, addressed to such owner at his address given on such assessment roll, or if no address is given, then at his last known address, or if it be not known then at the county seat of the county in which his land lies. Said clerk shall make and file in his office an affidavit of such mailing, showing the names and addresses of the persons to whom such notices were sent, which shall be prima facie evidence that such notices were mailed as herein required.

Publication of notice.

Copy of notice to each owner.

Clerks' affidavit.

SEC. 3. Section eight of said act is hereby amended as follows:

Section 8. Each storm water district shall have power to sue and be sued. The trustees thereof shall have power in the name and in behalf of the district to purchase, receive by donation, or acquire by condemnation any rights of way or other real or personal property necessary to carry out the purposes for which the district was formed, and for that purpose all the provisions of the Code of Civil Procedure relating to eminent domain are hereby made applicable to proceedings by such

Powers of district.

May employ engineers.

district to condemn property. The said board of trustees shall also have power to employ such engineers, surveyors and others as may be necessary to survey, plan, or locate, or supervise the construction or repair of, the improvements necessary to carry out the purposes for which the district was formed; to construct, maintain and keep in repair any and all improvements, requisite or necessary to carry out the purposes of the district; and to do any and all other acts and things necessary or required for the protection of the lands in said district from damage from storm waters and from waters of any innavigable stream, watercourse, canyon or wash; or for the spreading, conserving, storing, retaining or causing to percolate into the soil within such district any or all of such waters; and to employ the services of any person, legal or otherwise, which in the judgment of said board of trustees may be necessary to carry out said purposes. All work of construction, repair, or maintenance, the cost whereof exceeds \$500.00, shall be done by contract; and all contracts shall be let by the board to the lowest responsible bidder, who will give bond for the faithful performance thereof satisfactory to the board, after advertisement for bids published by their clerk for not less than ten days in some newspaper of general circulation, designated by the board and published in the county in which the district or some part thereof is situated, specifying the time and place for the opening of bids, and the particular work to be bid for; *provided, however*, that the board may reject all bids and readvertise, and may by unanimous action in cases of great emergency, the nature of which shall be entered on their minutes, proceed at once to replace or repair any of the works or improvements of the district without advertisement.

Work over \$500 by contract.

May reject bids.

SEC. 4. Section twenty-four of said act is hereby amended to read as follows:

Kinds of improvements.

Section 24. The improvements made under this act may include the widening, deepening and straightening of the channels of the innavigable streams, watercourses or washes, the construction of new courses therefor, and the construction of levees, banks, dikes, conduits, ditches, canals, reservoirs and the sinking of shafts, for the conveyance of storm waters of any innavigable stream, canyon or wash, or for confining such streams, watercourses or washes to their channel, or for the spreading, conserving, storing, retaining or causing to percolate into the soil within such district any or all of such waters, and said work may be done either within or without the boundaries of the district, as may be necessary in order to properly protect the land in said district from damage and secure a free outlet for such streams, watercourses, washes, and storm water, or to spread, conserve, store, retain or cause to percolate into the soil within such district any such waters.

CHAPTER 275.

An act to regulate the construction, operation, and maintenance of elevators in buildings during course of construction; providing for inspection of the same by the bureau of labor statistics; and providing for a penalty for violation thereof.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The words and phrases used in this act shall for the purposes of this act, unless the same be contrary to or inconsistent with the context, be construed as follows: Definitions:

1. "Elevator" shall mean any means used to hoist persons or material of any kind on a building under course of construction, when operated by any power other than muscular power. "elevator,"

2. "Building" shall include structures of all kinds, regardless of the purposes for which they may be intended to be used, and whether such construction be below or above the level of the ground. "building."

SEC. 2. Every hoist hereafter used in buildings during the course of construction shall have a system of signals for the purpose of signaling the person operating or controlling the machinery which may operate the hoist. And it shall be the duty of the person in charge of said building to appoint one or more persons to give such signals, such person to be selected from those most familiar with the work for which said hoist is being used. In the event that a building shall be over fifty feet in height, then two persons shall be appointed to give such signals, one at the bottom of said hoist and the other at the top of said hoist, and the person at the bottom of said hoist shall signal the person at the top, who shall then signal the engineer or the person in charge of the machinery operating said hoist. In the event that the engineer or person in charge of the machinery operating said hoist is so situated that he has a clear and unobstructed view of the base of the elevator, then and in that event, regardless of the height of the building, no person shall be required to give signals at the bottom of said hoist. Signals and persons to give them.

SEC. 3. It shall be the duty of the commissioner of the bureau of labor statistics to inspect all hoists coming within the definition in section one of this act. And if any part of the construction or system of signals used on a hoist is defective or may endanger the lives of men working in the immediate vicinity of said hoist, he shall direct the person in charge thereof to remedy such defect, and such hoist shall not be used again until the order of the commissioner shall have been complied with. Inspection of hoists.

SEC. 4. Any person, firm, copartnership or corporation or any agent, superintendent or manager of a corporation who shall violate any of the provisions of this act, shall upon con- Penalty.

viction thereof be guilty of a misdemeanor and punished by a fine not less than fifty dollars and not more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days and not more than six months, or by both such fine and imprisonment.

CHAPTER 276.

An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the attorney general in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties.

[Approved June 10, 1913. In effect August 10, 1913.]

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

Unlawful to discriminate between different sections in sale of commodities.

Act does not prevent competitive rate.

Officers responsible.

SECTION 1. It shall be unlawful for any person, firm or corporation, doing business in the State of California and engaged in the production, manufacture, distribution or sale of any commodity of general use or consumption, or the product or service of any public utility, with the intent to destroy the competition of any regular established dealer in such commodity, product or service, or to prevent the competition of any person, firm, private corporation, or municipal or other public corporation, who or which, in good faith, intends and attempts to become such dealer, to discriminate between different sections, communities or cities or portions thereof of this state, by selling or furnishing such commodity, product or service at a lower rate in one section, community or city, or any portion thereof, than in another, after making allowance for difference, if any, in the grade, quality or quantity, and for cost differences between such places due to distance from the point of production, manufacture or distribution and expense of distribution and operation. This act is not intended to prohibit the meeting in good faith of a competitive rate, or to prevent a reasonable classification of service by public utilities for the purpose of establishing rates. The inhibition hereof against locality discrimination shall embrace any scheme of special rebates, collateral contracts or any device of any nature whereby such discrimination is, in substance or fact, effected in violation of the spirit and intent of this act.

Any person, who, either as director, officer or agent of any firm or corporation or as agent of any person, violating the provisions hereof, assists or aids, directly or indirectly, in such violation shall be responsible therefor equally with the person, firm or corporation for whom or which he acts. In the prosecution of any person as officer, director or agent it shall be

sufficient to allege and prove the unlawful intent of the person, firm or corporation for whom or which he acts.

SEC. 2. If complaint shall be made to the attorney general that any corporation is violating section one of this act, he shall investigate such complaint and if, in his opinion, sufficient grounds exist therefor, he shall prosecute an action in the name of the people of the State of California in the proper court to annul the charter or revoke the license of such corporation to do business in this state, as the case may be, and to permanently enjoin such corporation from doing business in this state; and if in such action the court shall find that such corporation is violating this act, it may enjoin said corporation from doing business in this state for such time as the court shall order, or may annul the charter, or revoke the license of such corporation, and permanently enjoin it from transacting business in the state.

Duty of attorney general to prosecute.

SEC. 3. Any contract, express or implied, made by any person, firm or corporation in violation of the provisions of section one of this act for the sale or furnishing of any commodity, product or service at a rate greater than the lowest rate charged therefor by such person, firm or corporation in any other section, community or city in this state, after making allowance for the cost differences between such place and the place where under the contract such commodity, product or service is delivered or furnished and for difference, if any, in grade, quality or quantity, is declared to be an illegal contract, and no recovery thereon shall be had.

Illegal contract defined.

SEC. 4. Any person, firm, private corporation or municipal or other public corporation, may maintain an action to enjoin a continuance of any act or acts in violation of section one of this act and, if injured thereby, for the recovery of damages. If, in such action, the court shall find that the defendant is violating section one of this act, it shall enjoin the defendant from a continuance thereof; it shall not be necessary that actual damage to the plaintiff be alleged or proved. In addition to such injunctive relief, the plaintiff in said action shall be entitled to recover from the defendant three times the amount of the actual damages, if any, sustained.

Person injured may maintain action.

SEC. 5. Any person, whether as principal, agent, officer or director, for himself or for another person, or for any firm or corporation, or any corporation, who or which shall violate section one of this act, is guilty of a misdemeanor and upon conviction thereof, shall, if a person, be punished by a fine of not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment, and, if a corporation, by a fine of not more than five thousand dollars.

Penalty.

SEC. 6. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the act. The legislature hereby declares that it would have passed this act, and each section, sentence, clause or phrase thereof, irre-

Constitutionality of act.

spective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional. The remedies herein prescribed are cumulative and in addition to the remedies prescribed by the public utilities act for discriminations by public utilities. If any conflict shall arise between this act and the public utilities act, the latter shall prevail.

Purpose
of act.

SEC. 7. The legislature declares that the purpose of this act is to safeguard the public against the creation or perpetuation of monopolies and to foster and encourage competition, by prohibiting unfair and discriminatory practices by which fair and honest competition is destroyed or prevented. The act shall be liberally construed that its beneficial purposes may be subserved.

CHAPTER 277.

An act to amend section six hundred and two of the Code of Civil Procedure of the State of California, relating to grounds on which challenges for cause may be made to jurors.

[Approved May 19, 1913. In effect August 10, 1913.]

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

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

Challenge
of jurors
for cause.

602. Challenges for cause may be taken on one or more of the following grounds:

1. A want of any of the qualifications prescribed by this code to render a person competent as a juror;

2. Consanguinity or affinity within the fourth degree to any party, or to an officer of a corporation, which is a party;

3. Standing in the relation of guardian and ward, master and servant, employer and clerk, or principal and agent, or debtor and creditor, to either party, or to an officer of a corporation which is a party, or being a member of the family of either party; or a partner in business with either party; or surety on any bond or obligation for either party, or being the holder of bonds or shares of the capital stock of a corporation which is a party.

4. Having served as a juror in a civil action or been a witness on a previous trial between the same parties, for the same cause of action; or having served as a juror within one year previously in any civil action or proceeding in which either party was plaintiff or defendant.

5. Interest on the part of the juror in the event of the action, or in the main question involved in the action, except his interest as a member or citizen or taxpayer of a county, city and county, incorporated city or town, or other political subdivision of a county, or municipal water district.

6. Having an unqualified opinion or belief as to the merits of the action founded upon knowledge of its material facts or of some of them.

7. The existence of a state of mind in the juror evincing enmity against or bias to either party.

8. That he is a party to an action pending in the court for which he is drawn and which action is set for trial before the panel of which he is member.

CHAPTER 278.

An act to provide for the keeping of medical and surgical appliances in factories.

[Approved May 10, 1913. In effect August 10, 1913.]

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

SECTION 1. Every person, firm or corporation operating a factory or shop, or conducting any business in which power machinery is used for any manufacturing purpose, except for elevators or for heating or hoisting apparatus, where five or more persons are employed, shall at all times keep and maintain, in some accessible place upon the premises upon which such factory, shop or business is located, free of expense to the employees, a medical or surgical chest which shall contain an adequate assortment of absorbent lint, absorbent cotton, sterilized gauze, plain and medicated, adhesive plaster, cotton and gauze bandages, also one tourniquet, one pair scissors, one pair tweezers, one jar carbolized petrolatum, one bottle antiseptic solution, and one first aid manual, all of which shall cost not less than six dollars, and to be used in the treatment of persons injured or taken ill upon the premises. Medical chests in factories required.

SEC. 2. Any person, firm or corporation violating this act shall be subject to a fine of not less than ten dollars nor more than fifty dollars for every week during which such violation continues. Penalty.

CHAPTER 279.

An act to amend section six hundred and seven f, of the Civil Code of the State of California, relating to the appointment, qualifications, duties and powers of humane officers.

[Approved May 30, 1913. In effect August 10, 1913.]

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

SECTION 1. Section six hundred and seven f of the Civil Code of the State of California is hereby amended to read as follows:

607f. Any such corporation incorporated for the purpose of the prevention of cruelty to animals may by resolution of its Appointment of humane officers.

board of directors or trustees duly entered on its minutes appoint any number of its members, who shall be citizens of the State of California as humane officers. Each appointment shall be by separate resolution. Such resolution shall state the full name and place of residence and the business or occupation of the person so appointed and the fact that he is a citizen of the State of California and shall also designate the number of the badge to be allotted to such officer. Every person so appointed must within ten days after his appointment present to the judge of the superior court in and for the county or city and county in which the corporation appointing such officer has its principal place of business a copy of such resolution duly certified to be correct by the president and secretary of such corporation and attested by its seal. The judge shall examine such appointee as to his qualifications and fitness to act as such officer and, if he approves such appointment, shall indorse his approval on said certified copy of said resolution. Said appointee shall thereupon and within said period of ten days file said certified copy with the judge's approval indorsed thereon in the office of the county clerk of said county or city and county and shall at the same time take and subscribe the oath of office prescribed for constables or other peace officers. The county clerk shall thereupon immediately enter in a book to be kept in his office and designated "Record of Humane Officers" the name of such officer, the number of his badge, the name of the corporation appointing him and the date of such filing. At the time of such filing the county clerk shall collect from such officer a fee of fifty cents, which shall be in full for all services to be performed by the county clerk under the provisions of this section. The corporation appointing such officer may revoke such appointment at any time by resolution of its board of directors or trustees, a duly certified copy of which resolution must within five days after its adoption be filed in the office of the county clerk in which the appointment of such officer is recorded and upon such filing the county clerk shall enter the fact of such revocation and the date of the filing thereof opposite the name of such officer in such record of humane officers. Such humane officers after qualifying as above provided shall have power at all places within the state lawfully to interfere to prevent the perpetration of any act of cruelty upon any dumb animal and may use such force as may be necessary to prevent the same and to that end may summon to their aid any bystander. They may make arrests for the violation of any penal law of this state relating to or affecting animals in the same manner as a constable or other peace officer and may carry such weapons as peace officers are authorized to carry; except that in cities and counties and cities of the first and first and one half classes no such humane officer shall carry any such weapon unless permission in writing so to do has first been granted to him by the board of police commissioners of such city or city and county. Every humane officer must when

Approval
of judge.

"Record of
humane
officers."

Revocation
of appoint-
ment.

Powers of
officer.

making such arrests exhibit and expose a suitable badge to be adopted by the corporation appointing him which shall bear its name and a number. Any person resisting a humane officer in the performance of his duty as provided in this section shall be guilty of a misdemeanor. Any person who has not been appointed and qualified as a humane officer as provided in this section, or whose appointment has been revoked as provided in this section, who shall represent himself to be or shall attempt to act as such officer shall be guilty of a misdemeanor. Any officer of such corporation who shall knowingly or wilfully sign or issue any certificate provided for in this section, which shall be in any material respect false or untrue, shall be guilty of a misdemeanor.

Resisting
officer.

False cer-
tificate.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 280.

An act to amend section six of an act entitled, "An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905.

[Approved May 30, 1913. In effect August 10, 1913.]

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

SECTION 1. Section six of an act entitled, "An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905, is hereby amended to read as follows:

Section 6. Any corporation which failed to pay the license tax and penalty required by the act, or any amendment thereof, and of which this is amendatory, may pay all the said license taxes and penalties prescribed by section 1 of said act and the amendments thereto, and the license taxes and penalties that would have accrued if such corporation had not forfeited its charter or right to do business and any such corporation making such payment shall be relieved from the forfeiture prescribed by the act of which this act is amendatory, and all persons exercising the powers of any such corporation making such payment shall be relieved from the provisions of section 9 of said act of which this act is amendatory, and the secretary of state shall immediately after the first day of December in each year, transmit to the county clerk of each county in this state a list of the corporations so paying pursuant to the provisions of this section, which list shall be by said county clerk filed in his office; *provided*, the rehabilitation of a corporation under the provisions of this act shall be without prejudice to

Relief
from
forfeiture.

When
name
must be
changed

any action, defense or right which accrued by reason of the original forfeiture; *and provided*, that in case the name of any corporation which has suffered the forfeiture prescribed by the act of which this act is amendatory, or a name so closely resembling the name of such corporation as will tend to deceive, has been adopted by any other corporation since the date of said forfeiture then said corporation having suffered said forfeiture shall be relieved therefrom pursuant to the terms of this section of this act only upon the adoption by said corporation seeking revivor of a new name, and in such case nothing in this act contained shall be construed as permitting such corporation to be revived or carry on any business under its former name; and such corporation shall have the right to use its former name or take such new name only upon filing an application therefor with the secretary of state and upon the issuing of a certification to such corporation by the secretary of state setting forth the right of such corporation to take such new name or use its former name as the case may be; *provided, however*, that the secretary of state shall not issue any certificate permitting any corporation to take or use the name of any corporation heretofore organized in this state and which has not suffered the forfeiture prescribed by the act of which this act is amendatory, or to make or use a name so closely resembling the name of such corporation heretofore organized in this state, as will tend to deceive. The provisions of title IX, part III of the Code of Civil Procedure in so far as they conflict with this section of this act are not applicable to corporations seeking revivor under this act.

Secretary
of state
not to
issue cer-
tificate
when name
would
deceive.

CHAPTER 281.

An act to repeal an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and all acts amendatory thereof or supplemental thereto.

[Approved May 30, 1913. In effect August 10, 1913.]

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

Repealed

SECTION 1. An act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and all acts amendatory thereof or supplemental thereto, is hereby repealed.

SEC. 2. This act shall not be construed to affect or repeal any of the provisions of an act entitled "An act to repeal title II of part IV of the Political Code, and to add a new title II of part IV of said code in place thereof, relating to the establishment of a uniform system of county and township governments," approved March 19, 1907, or any acts amendatory thereof.

CHAPTER 282.

An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act.

[Approved June 3, 1913. In effect August 10, 1913.]

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

SECTION 1. 1. When used in this act the following terms are defined as herein specified: The term "person" means and includes any individual, company, society, association, corporation, manager, contractor, subcontractor or their agents or employees. Definitions-
"person,"

2. The term "employment agency" means and includes the business of conducting, as owner, agent, manager, contractor, subcontractor, or in any other capacity an intelligence office, domestic and commercial employment agency, theatrical employment agency, teachers' employment agency, general employment bureau, shipping agency, nurses' registry, or any other agency or office for the purpose of procuring or attempting to procure help or employment or engagements for persons seeking employment or engagements, or for the registration of persons seeking such help, employment or engagement, or for giving information as to where and of whom such help, employment or engagement may be procured, where a fee or other valuable consideration is exacted, or attempted to be collected, directly or indirectly, for such services, whether such business is conducted in a building or on the street or elsewhere. "employ-
ment
agency,"

3. The term "theatrical employment agency" means and includes the business of conducting an agency, bureau, office or any other place for the purpose of procuring or offering, promising or attempting to provide engagements for circus, vaudeville, theatrical and other entertainments or exhibitions or performances, or of giving information as to where such engagements may be procured or provided, whether such business is conducted in a building, or on the street or elsewhere. "theatrical
employ-
ment
agency,"

4. The term "theatrical engagement" means and includes any engagement or employment of a person as an actor, performer or entertainer in a circus, vaudeville, theatrical and other entertainment, exhibition or performance. "theatrical
engage-
ment,"

5. The term "emergency engagement" means and includes an engagement which has to be performed within twenty-four hours from the time when the contract for such engagement is made. "emer-
gency
engage-
ment,"

6. The term "fee" means and includes any money or other "fee,"

valuable consideration paid or promised to be paid for services rendered or to be rendered by any person conducting an employment agency of any kind under the provisions of this article. Such term includes any excess of money received by any such person over what has been paid out by him for the transportation, transfer of baggage, or board and lodging for any applicant for employment; such term also includes the difference between the amount of money received by any such person who furnishes employees, performers or entertainers for circus, vaudeville, theatrical and other entertainments, exhibitions or performances, and the amount paid by him to the said employees, performers or entertainers whom he hires or provides for such entertainments, exhibitions or performances.

"privilege,"

7. The term "privilege" means and includes the furnishing of food, supplies, tools or shelter to contract laborers, commonly known as commissary privileges.

"commissioner of labor,"

8. The term "commissioner of labor" means commissioner of the bureau of labor statistics.

License necessary.

SEC. 2. A person shall not open, keep, maintain or carry on any employment agency, as defined in the preceding section, unless he shall have first procured a license therefor as provided in this article from the commissioner of labor. Such license shall be posted in a conspicuous place in said agency.

Penalty.

Any person who shall open or conduct such an employment agency without first procuring said license shall be guilty of a misdemeanor and shall be punished as hereinafter provided.

Application for license.

SEC. 3. An application for such license shall be made to the commissioner of labor. Such application shall be written and in the form prescribed by the commissioner of labor, and shall state the name and address of the applicant; the street and number of the building or place where the business is to be conducted; whether the applicant proposes to conduct a lodging house for the unemployed separate from the agency which he proposes to conduct; the business or occupation engaged in by the applicant for at least two years immediately preceding the date of the application. Such application shall be accompanied by the affidavits of at least two reputable residents of the city to the effect that the applicant is a person of good moral character.

Investigation of applicant's character.

SEC. 4. Upon receipt of an application for a license the commissioner of labor may cause an investigation to be made as to the character and responsibility of the applicant and of the premises designated in such application as the place in which it is proposed to conduct such agency. The commissioner of labor may administer oaths, subpoena witnesses and take testimony in respect to matters contained in such application and in complaints of any character against the applicants for such license, and upon proper hearing may refuse to grant a license. Each application shall be granted or refused within thirty days from date of filing. No license shall be granted to a

person to conduct the business of an employment agency in rooms used for living purposes, or where boarders or lodgers are kept, or where meals are served, or where persons sleep, or in connection with a building or premises where intoxicating liquors are sold to be consumed on the premises, excepting cafés and restaurants in office buildings. Each license shall run to the thirty-first day of March next following the date thereof and no longer, unless sooner revoked by the commissioner of labor.

Expiration of license.

SEC. 5. Every license shall contain the name of the person licensed, a designation of the city, street and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any other than the person to whom it is issued or any place other than that designated in the license and shall not be transferred or assigned to any other person unless consent is obtained from the commissioner of labor, as hereinafter provided. If such licensed person shall conduct a lodging house for the unemployed separate and apart from such agency, it shall be so designated in the license.

License to contain name, etc.

SEC. 6. A license granted as provided in this article shall not be assigned or transferred without the written consent of the commissioner of labor. No license fee shall be required upon such assignment or transfer. The location of an employment agency shall not be changed without the written consent of the commissioner of labor.

Transfer of license.

SEC. 7. Every person licensed under the provisions of this act to carry on the business of an employment agency shall pay to the commissioner of labor a license fee of fifty dollars in cities of the first, first and one half and second classes, and a license fee of twenty-five dollars in cities of the third and fourth classes and a license fee of ten dollars in all other cities and towns. Such persons shall also deposit before such license is issued, with the commissioner of labor, a surety bond in the penal sum of two thousand dollars in cities of the first, first and one half and second classes, or a surety bond in the penal sum of one thousand dollars in cities of the third and fourth classes, or a surety bond in the penal sum of five hundred dollars in all other cities and towns. Such surety bonds to be approved by the commissioner of labor and such bonds shall be payable to the people of the State of California, and shall be conditioned that the person applying for the license will comply with the provisions of this act and will pay all damages occasioned to any person by reason of misstatement, misrepresentation, fraud or deceit or any unlawful acts or omissions of any licensed person, his agents or employees, while acting within the scope of their employment, made, committed or omitted in the business conducted under such license or caused by any other violation of this article in carrying on the business for which such license is granted. All moneys collected for licenses as provided herein and all fees

License fee.

Bond.

Contin-
gent fund.

collected for violations of the provisions hereof shall be paid into the state treasury and credited to the contingent fund of the bureau of labor statistics.

Suits
against
licensed
person

SEC. 8. All claims or suits brought in any court against any licensed person may be brought in the name of the person damaged upon the bond deposited with the people of the State of California by such licensed person as provided in section seven, and may be transferred and assigned as other claims for damages in civil suits. The amount of damages claimed by plaintiff, and not the penalty named in the bond, shall determine the jurisdiction of the court in which the action is brought. Where such licensed person has departed from the state with intent to defraud his creditors or to avoid the service of a summons in an action brought under this section, service shall be made upon the surety as prescribed in the Code of Civil Procedure. A copy of such summons shall be mailed to the last known post office address of the residence of the licensed person and the place where he conducted such employment agency, as shown by the records of the commissioner of labor. Such service thereof shall be deemed to be made when not less than the number of days shall have intervened between the dates of service and the return of the same as provided by the Code of Civil Procedure for the particular court in which suit has been brought.

Register of
applicants
for employ-
ment.

SEC. 9. It shall be the duty of every licensed person to keep a register, approved by the commissioner of labor, in which shall be entered, in the English language, the date of the application for employment; the name and address of the applicant to whom employment is promised or offered, or to whom information or assistance is given in respect to such employment; the amount of fee received, and such other information as the commissioner of labor shall require. Such licensed person shall also enter in the same or in a separate register, approved by the commissioner of labor, in the English language, the name and address of every applicant accepted for help, the date of such application, kind of help requested, the names of the persons sent, with the designation of the one employed, the amount of the fee received and the rate of wages agreed upon, and such other information as the commissioner of labor may require. No such licensed person, his agent or employees, shall make any false entry in such registers.

Registers
open to
inspection.

SEC. 10. All registers, books, records and other papers kept pursuant to this act in any employment agency shall be open at all reasonable hours to the inspection of the commissioner of labor and to any of his duly authorized agents or inspectors and every licensed person shall furnish to the commissioner upon request a true copy of such registers, books, records and papers or any portion thereof, and shall make such reports as the commissioner may prescribe.

Receipt
given
applicant.

SEC. 11. It shall be the duty of every licensed person conducting an employment agency to give to every applicant

for employment from whom a fee shall be received a receipt in which shall be stated the name and address of such employment agency, the name and address of the person to whom the applicant is sent for employment, the name of the applicant, the date, the amount of fee, the kind of work or service to be performed, the general conditions of employment—including among other things the rate of wages or compensation, whether or not board and lodging is to be furnished, the hours of employment, the cost of transportation and whether or not it is to be paid by the employer, the time of such service, if definite and if indefinite to be so stated, and the name of the person authorizing the hiring of such applicant. There shall be printed on the face of the receipt in prominent type the following: "This agency is licensed by the commissioner of labor of the State of California." All receipts shall be made and numbered in original and duplicate. The original shall be given to the applicant paying the fee and the duplicate shall be kept on file at the employment agency. The receipts used by such licensed agencies shall be approved by the commissioner of labor.

SEC. 12. No such licensed person shall send out any applicant for employment without having obtained either orally or in writing a bona fide order therefor. In case the applicant paying such fee fails to obtain employment such licensed agency shall repay the amount of said fee to such applicant upon demand being made therefor; *provided*, that in cases where the applicant paying such fee is sent beyond the limits of the city in which the employment agency is located, such licensed agency shall repay in addition to the said fee any actual expenses incurred in going to and returning from any place where such applicant has been sent; *provided, however*, where the applicant is employed and the employment lasts less than seven days by reason of the discharge of the applicant, the employment agency shall return to said applicant the fee paid by such applicant to the employment agency.

Return of
fee, etc.

SEC. 13. No licensed person conducting an employment agency shall publish or cause to be published any false or fraudulent or misleading information, representation, notice or advertisement; all advertisements of such employment agency by means of cards, circulars, or signs and in newspapers and other publications, and all letterheads, receipts, and blanks shall be printed and contain the licensed name and address of such employment agent and the word agency, and no licensed person shall give any false information, or make any false promise or false representation concerning an engagement or employment to any applicant who shall register or apply for an engagement or employment or help.

False
advertis-
ing pro-
hibited.

SEC. 14. No licensed person conducting an employment agency shall send or cause to be sent any minor under the age of eighteen years as an employee to any house of ill fame or to any house or place of amusement for immoral purposes or places resorted to for the purpose of prostitution or

Sending
minors to
immoral
places
prohibited.

gambling houses, the character of which such licensed person could have ascertained upon reasonable inquiry, or to any saloon or place where intoxicating liquors are sold to be consumed on the premises. No licensed person shall knowingly permit any persons of bad character, prostitutes, gamblers, intoxicated persons or procurers to frequent such agencies.

Children.

No licensed person shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever in violation of the child labor law. No licensed person shall

Strikes.

send an applicant to any place where a strike, lockout or other labor trouble exists without notifying the applicant of such conditions and shall in addition thereto enter a statement of such facts upon the receipt given to such applicant. No licensed person shall divide fees with any superintendent, manager, foreman or other employee of any person, firm or corporation to whom employees are furnished.

Fees not to be divided.

Theatrical employment agency.

Sec. 15. Every licensed person conducting a theatrical employment agency, before making a theatrical engagement, except an emergency engagement, for any person with any applicant for services in any such engagement shall prepare and file in such agency a written statement signed and verified by such licensed person setting forth how long the applicant has been engaged in the theatrical business. Such statement shall set forth whether or not such applicant has failed to pay salaries or left stranded any companies, in which such applicant and, if a corporation, any of its officers or directors, have been financially interested during the five years preceding the date of application and, further, shall set forth the names of at least two persons as references. If such applicant is a corporation, such statement shall set forth the names of the officers and directors thereof and the length of time such corporation or any of its officers have been engaged in the theatrical business and the amount of its paid-up capital stock. If any allegation in such written, verified statement is made upon information and belief, the person verifying the statement shall set forth the sources of his information and the grounds of his belief. Such statement so on file shall be kept for the benefit of any person whose services are sought by any such applicant as employer.

Theatrical contracts.

Sec. 16. Every licensed person who shall procure for or offer to an applicant a theatrical engagement shall have executed in duplicate a contract containing the name and address of the applicant; the name and address of the employer of the applicant and of the person acting for such employer in employing such applicant; the time and duration of such engagement; the amount to be paid to such applicant; the character of entertainment to be given or services to be rendered; the number of performances per day or per week that are to be given by said applicant; if a vaudeville engagement, the name of the person by whom the transportation is to be paid, and if by the applicant, either the cost of the transporta-

tion between the places where said entertainment or services are to be given or rendered, or the average cost of transportation between the places where such services are to be given or rendered; and if a dramatic engagement the cost of transportation to the place where the services begin if paid by the applicant; and the gross commission or fees to be paid by said applicant and to whom. Such contracts shall contain no other conditions and provisions except such as are equitable between the parties thereto and do not constitute an unreasonable restriction of business. The form of such contract shall be first approved by the commissioner of labor and his determination shall be reviewable by *certiorari*. One of such duplicate contracts shall be delivered to the person engaging the applicant and the other shall be retained by the applicant. The licensed person procuring such engagement for such applicant shall keep on file or enter in a book provided for that purpose a copy of such contract.

SEC. 17. Every licensed person shall post in a conspicuous place in each room of such agency a copy of this act. Such printed law to also contain the name and address of the officer charged with the enforcement of this act. The commissioner of labor shall furnish printed copies of this act to the employment agencies. Act to
be posted.

SEC. 18. Any person, firm, corporation or their agents or representatives violating or omitting to comply with any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars or more than two hundred and fifty dollars or by imprisonment for a period of not more than sixty days or by both such fine and imprisonment. Penalty.

SEC. 19. The commissioner of labor, his deputies and agents shall have the power and authority of sheriffs and other peace officers to make arrests for violations of the provisions of this act and to serve any process or notice throughout the state. Power of
labor com-
missioner.

SEC. 20. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 283.

An act making the appropriation made by chapter 705, Statutes of 1911, "for printing, binding, ruling and all other work performed and materials furnished by the state printing office to be used for the compiling and publication of Blue Book (exempt from section four of this act) ten thousand dollars," available for the distribution of said Blue Book.

[Approved June 3, 1913. In effect August 10, 1913.]

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

SECTION 1. The money appropriated by chapter 705, Statutes of 1911, "for printing, binding, ruling and all other work

Blue Book appropriation made available for distribution.

performed and materials furnished by the state printing office to be used for the compiling and publication of Blue Book (exempt from section four of this act) ten thousand dollars'' is hereby made available and any balance remaining therein after the cost of compiling and publication of said Blue Book is paid is hereby reappropriated for the use of the secretary of state for the additional purpose of distributing said Blue Book.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

CHAPTER 284.

An act regulating headlights on all locomotives, and providing a penalty for violation of the provisions of this act.

[Approved June 4, 1913. In effect August 10, 1913]

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

Electric headlights on locomotives.

SECTION 1. It shall be the duty of every railroad corporation, or receiver or lessee thereof, operating any line of railroad in this state, within six months after the passing of this act, or within such additional time as may be prescribed by order of the railroad commission of California, after such railroad has made a proper showing of its inability to comply therewith, to equip all locomotive engines, used in the transportation of trains over said railroad, with electric or other headlights which will project sufficient light to enable the locomotive engineer to observe clearly a dark object the size of an average man, at a distance of not less than eight hundred feet on a dark, clear night while his train is running at a rate of speed not less than thirty miles per hour; *provided*, that this act shall not apply to locomotive engines regularly used in the switching of cars or trains; *provided, further*, that this act shall not apply to locomotive engines used exclusively between sun up and sun down, nor going to or from repair shops when ordered in for repairs, nor to locomotive engines used on short lines or local lines where in the judgment of the railroad commission, the headlight herein provided for is not necessary for the preservation of public safety.

Penalty.

SEC. 2. Any railroad company, or receiver or lessee thereof, doing business in the State of California, who shall violate the provisions of this act, shall be liable to the State of California for a penalty of not less than one hundred dollars, nor more than one thousand dollars, for each offense; and suit shall be brought to recover such penalty in a court of competent jurisdiction, in the name of the people of the State of California, by the attorney general or by the district attorney of any county in or through which said railroad may be operated.

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

CHAPTER 285.

An act to declare certain contracts, combinations, arrangements and conspiracies between common carrier railroads and pipe lines for the transportation of crude oil, and pipe lines constructed for the transportation of crude oil, petroleum or the products thereof, to be in restraint of trade and unfair practices, contrary to public policy as tending to monopoly, and requiring such pipe lines to either become common carriers and public utilities or to procure license and pay fees, and fixing penalties for violations, and authorizing certain court proceedings.

[Approved June 4, 1913. In effect August 10, 1913.]

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

SECTION 1. Any and every contract, combination in form of trust or otherwise, or arrangement of any kind, implied, tacit or otherwise, or conspiracy between a common carrier railroad which is equipped for the transportation of crude oil, petroleum or the products thereof, or which has filed, or may lawfully be required to file, a schedule of rates with the railroad commission of California for such transportation, and which operates from or through any crude oil or petroleum producing field or fields or shipping points in the vicinity of any thereof, in the State of California, for a distance of thirty-five miles or more in the aggregate, either continuously or otherwise, to any refinery or refineries of crude oil or petroleum or any of the products thereof, or to or through any selling, marketing, consuming or shipping points or the vicinity of any thereof, for such crude oil or petroleum or any of the products thereof, and any oil pipe line which is used or operated for the transportation of crude oil or petroleum or any of the products thereof, otherwise than as a common carrier, from or through the same, or any of the same oil or petroleum producing fields or shipping points or from the vicinity of any thereof, for a distance of thirty-five miles or more in the aggregate, either continuously or otherwise, and to or through the same, or any of the same refining, selling, marketing or reshipping points or the vicinity of any thereof, and which last mentioned transportation is accomplished in whole or in part by such oil pipe line, and whereby such oil pipe line secures, or is enabled to secure, or attempts to secure, or tends to secure any unreasonable control or monopoly of the purchase, sale or transportation of such crude oil, petroleum or any of the products thereof, or is enabled to secure, or attempts to secure any unreasonable restraint on or over competition or trade in the purchase, sale or transportation of such crude oil, petroleum or of any of the products thereof, is hereby declared to be illegal.

Certain contracts between oil pipe lines and railroads declared illegal.

Treats upon which courts must declare contracts in unreasonable restraint of trade.

SEC. 2. In any and every action or proceeding under this act, whenever it shall appear to the court that any contract, combination, arrangement or conspiracy such as is described in section 1 hereof, exists, or that at the time of the commencement of such action or proceeding it did exist; and it further appears to such court that such oil pipe line is constructed, in whole or in part, upon, over, under or along the right of way of such common carrier railroad, continuously or otherwise, for a distance of five or more miles in the aggregate, with the permission, allowance or consent, actual, implied or otherwise, of such common carrier railroad, and that said oil pipe line is owned or controlled, either directly or indirectly, by said common carrier railroad, or that such oil pipe line and such common carrier railroad have any common or interlocking owner or owners, or director or directors; and it further appears that said oil pipe line is engaged in the business of purchasing, transporting and reselling such crude oil, petroleum or any thereof, or any of the products thereof, or of purchasing and transporting the same, or any thereof, or of purchasing, transporting and refining the same, or any thereof, for sale, or of producing, transporting and reselling the same, or any thereof, or of producing, transporting and refining the same for sale from its own or leased ground, or otherwise, or of producing and transporting the same, or any thereof; and it further appears that the schedule of rates, or any of them, for the transportation of such crude oil, petroleum or any of the products thereof, filed by said common carrier railroad with the railroad commission of California, or that the rates, or any of them, published, fixed or charged by such common carrier railroad for such transportation of the same, or any of the same, are sufficiently high as compared with the actual cost of transportation between the same, or approximately or practically the same initial shipping, and the refining, selling, marketing, reshipping or terminal points, by such oil pipe line, as to tend to prevent the transportation of such crude oil, petroleum or any of the products thereof, over or upon such common carrier railroad, or to tend to prevent competition in such transportation between such common carrier railroad and such oil pipe line, or to restrain such competition, or to tend to restrain competition among the producers of such crude oil, petroleum or any of the products thereof in the sale thereof, or of any of the same, or to tend to enable such oil pipe line, either alone or in conjunction with other oil pipe lines, to restrain competition in the sale or the purchase of such crude oil, petroleum or the products thereof, either among the producers or the consumers thereof, or to tend to enable such oil pipe line, either alone or in conjunction with other pipe lines, to secure the control or the monopoly of the purchase of such crude oil, petroleum or the products thereof, or to fix the selling price of any thereof at the oil fields or points of production of the same, or at the

shipping points or at the vicinity of any thereof, or to secure the control or the monopoly of the transportation of such crude oil, petroleum or the products thereof from such oil fields or points of production, or from the shipping points or from the vicinity of any thereof, to such refining, selling or marketing points, or any thereof, then such contract, combination, arrangement or conspiracy is hereby declared to be an unfair practice, contrary to the public policy of the State of California, and the same shall and must be deemed by such court in all such actions or proceedings to be an unreasonable contract, combination, arrangement or conspiracy, in restraint of trade, and an unreasonable control or monopoly of the purchase, sale or transportation of such crude oil, petroleum or some of the products thereof, and an unreasonable restraint on or over competition and trade in the purchase, sale or transportation of such crude oil, petroleum or some of the products thereof, and the same shall and must be deemed illegal.

Sec. 3. In any and every action or proceeding under this act, whenever it shall appear to the court that any contract, combination, arrangement or conspiracy such as is described in section 1 hereof, exists, or that at the time of the commencement of such action or proceeding it did exist, and it further appears to such court that such oil pipe line is constructed, in whole or in part, upon, over, under or along the right of way of such common carrier railroad, continuously or otherwise, for a distance of five or more miles in the aggregate, with the permission, allowance or consent, actual, implied or otherwise, of such common carrier railroad, and it appears that said oil pipe line is engaged in the business of purchasing, transporting and reselling such crude oil, petroleum or any thereof, or any of the products thereof, or of purchasing and transporting the same, or any thereof, or of purchasing, transporting and refining the same, or any thereof, for sale, or of producing, transporting and reselling the same, or any thereof, or of producing, transporting and refining the same for sale from its own or leased ground, or otherwise, or of producing and transporting the same, or any thereof; and it further appears that the schedule of rates, or any of them, for the transportation of such crude oil, petroleum or any of the products thereof, filed by said common carrier railroad with the railroad commission of California, or that the rates, or any of them, published, fixed or charged by such common carrier railroad for such transportation of the same, or any of the same, are sufficiently high as compared with the actual cost of transportation between the same, or approximately or practically the same initial shipping, and the refining, selling, marketing, reshipping or terminal points, by such oil pipe line, as to tend to prevent the transportation of such crude oil, petroleum or any of the products thereof, over or upon such common carrier railroad, or to tend to prevent competition in such

Facts upon which courts must declare contracts to be unreasonable restraint of trade.

transportation between such common carrier railroad and such oil pipe line, or to restrain such competition, or to tend to restrain competition among the producers of such crude oil, petroleum or any of the products thereof in the sale thereof, or of any of the same, or to tend to enable such oil pipe line, either alone or in conjunction with other oil pipe lines, to restrain competition in the sale or the purchase of such crude oil, petroleum or the products thereof, either among the producers or the consumers thereof, or to tend to enable such oil pipe line, either alone or in conjunction with other pipe lines, to secure the control or the monopoly of the purchase of such crude oil, petroleum or the products thereof, or to fix the selling price of any thereof at the oil fields or points of production of the same, or at the shipping points or at the vicinity of any thereof, or to secure the control or the monopoly of the transportation of such crude oil, petroleum or the products thereof from such oil fields or points of production, or from the shipping points or from the vicinity of any thereof, to such refining, selling or marketing points, or any thereof, then such contract, combination, arrangement or conspiracy is hereby declared to be an unfair practice, contrary to the public policy of the State of California, and the same shall and must be deemed by such court in all such actions or proceedings to be an unreasonable contract, combination, arrangement or conspiracy, in restraint of trade, and an unreasonable control or monopoly of the purchase, sale or transportation of such crude oil, petroleum or some of the products thereof, and an unreasonable restraint on or over competition and trade in the purchase, sale or transportation of such crude oil, petroleum or some of the products thereof, and the same shall and must be deemed illegal.

"Unreasonable"
defined.

SEC. 4. The term "unreasonable" wherever used in this act means where the nature and extent of the control or restraint is such that the matter becomes of public consequence or is injurious to the public welfare, or where the nature and extent of the business is such that the public needs some use in the same, and the control or restraint so exercised prevents, obstructs or in any wise hinders such use.

Penalty.

SEC. 5. Every person who shall hereafter make any such contract or arrangement or engage in any such combination or conspiracy, or shall hereafter continue to execute any such contract or arrangement, or to do or perform any act in furtherance of any such combination or conspiracy without having first procured the license hereinafter provided for, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment not exceeding one year, or by both said punishments in the discretion of the court.

Jurisdiction
in
superior
courts.

SEC. 6. The several superior courts of the State of California are hereby vested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several

district attorneys of the counties and of the cities and counties of the State of California in their respective counties and in their respective cities and counties, under the direction of the attorney general of the State of California, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited, and may be brought in any county or city and county in which the defendant or any one of the defendants resides, or in which such unlawful act or any overt act in pursuance of such unlawful contract, combination, arrangement or conspiracy was committed, or in which the defendant or any one of the defendants has his or its principal place of business. When the parties complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition, and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

Proceedings in equity.

Temporary restraining order.

SEC. 7. Any person who shall be injured in his business or property by any other person or corporation or association of persons by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any superior court of the State of California in the county, or in the city and county, in which the defendant or any one of the defendants resides, or in which such unlawful act, or any overt act in pursuance of such unlawful contract, combination or conspiracy was committed, or in which the defendant, or any one of the defendants, has his or its principal place of business, and such petitioner shall recover threefold the damages by him sustained and the costs of suit, including a reasonable attorney's fee.

Person injured may recover damages.

SEC. 8. That the word "person" wherever used in this act shall be deemed to include corporations and associations existing under, or authorized by the laws of either the United States or the State of California, or of any of the territories, or of any state or of any foreign country.

"Person" defined.

SEC. 9. That the words "common carrier railroad" wherever used in this act, when the context so permits, shall be deemed to include any corporation, individual or association of individuals, either directly or indirectly owning, operating, managing or controlling, or participating, either directly or indirectly in the ownership, operation, management or control of any railroad which is operated as a common carrier within the State of California, or of any such railroad, any part of which is operated in the State of California; and the singular includes the plural.

"Common carrier railroad" defined.

SEC. 10. That the words "oil pipe line" wherever used in this act, when the context so permits, shall be deemed to include any private corporation, individual or association of individuals, either directly or indirectly owning, operating,

"Oil pipe line" defined.

managing or controlling any pipe line or any part of any pipe line for the transportation of crude oil, petroleum or any of the products thereof, or participating, either directly or indirectly, in the ownership, operation, management or control of any such pipe line, or of any part of any such pipe line; and the singular includes the plural.

SEC. 11. That the term "oil pipe line" wherever used in this act, when the context so permits, also includes all of the instrumentalities by which crude oil, petroleum or any of the products thereof is transported by or through pipe lines, in whole or in part.

Oil pipe
lines
adjudged
illegal may
resume
operation
on com-
plying with
certain
conditions.

SEC. 12. Any and every oil pipe line used or operated or which is or has been used or operated for the transportation of crude oil or petroleum or any of the products thereof, not as a common carrier, under the conditions which are declared to be illegal by section 2 of this act, or under the conditions which are declared to be illegal by section 3 of this act, shall and must, before such use or operation is continued, and within thirty days after this act goes into effect, either file with the railroad commission of the State of California its written consent to transport crude oil, petroleum or the products thereof for hire to and for the public and as a common carrier and public utility, together with a schedule of rates for the transportation of crude oil, petroleum and the products thereof as a common carrier and a public utility, in accordance with the provisions of the act known as the "Public Utilities Act" of the State of California, approved December 23, 1911; or failing to file such written consent to become a common carrier and public utility, together with such schedule of rates with said railroad commission, such oil pipe line must, on or before the time herein specified for such filing, either cease to continue to so operate or to so transport crude oil, petroleum or any of its products otherwise than as a common carrier; or must file with the said railroad commission an application in writing for permission to procure a license from the secretary of state permitting it to continue to so operate and to so transport crude oil, petroleum and the products thereof otherwise than as a common carrier and under the conditions prohibited by section 2 or section 3 of this act, as the case may be; and its failure to comply with any of the provisions of this section of this act shall subject it to the penalty and punishment provided by section 5 of this act, and to the liabilities provided by any and every of the other sections of this act. But nothing contained in this act shall be construed to authorize or permit any contract, combination in form of trust or otherwise, or arrangement of any kind, implied, tacit or otherwise, or conspiracy such as is denounced or prohibited by sections 1, 2 and 3 of this act, or any of such sections, to be hereafter made or entered into, or if so hereafter unlawfully made or entered into, to permit the same, or any of the same, to be executed or performed under a license, or otherwise, or at all.

License
from
secretary
of state.

SEC. 13. The application by such oil pipe line for a permit to procure a license as provided for in section 12 of this act, to permit it to continue to transport crude oil, petroleum or any of its products so as aforesaid, otherwise than as a common carrier, shall describe in a general way the oil pipe line for the continued maintenance and operation of which such license is desired, stating the terminal points of such oil pipe line and the county and counties through which the same is constructed and maintained, and the aggregate number of miles thereof in each of such counties, and as nearly as may be, the places at which such oil pipe line is constructed or maintained over and along the right of way of such common carrier railroad, and the approximate distance thereof at each of such places, and such application shall also set forth the name of the private corporation, individual or association of individuals owning, operating, managing or controlling, either directly or indirectly, such oil pipe line and each and every part thereof.

Facts set forth in application.

SEC. 14. The railroad commission may authorize in writing the secretary of state to issue a license to such oil pipe line; and the license when so issued by the secretary of state shall describe such oil pipe line as the same is described in such application so filed with said railroad commission. At the time of procuring such license, the sum of two hundred fifty dollars (\$250) must be paid to the secretary of state by such licensee.

Authority of secretary of state to issue license.

SEC. 15. Every oil pipe line required to procure the license hereinbefore provided for shall file with the railroad commission of the State of California on or before the tenth day of each calendar month, including and following the second calendar month after this act goes into effect, and in such form as said railroad commission shall require, a full, true and correct report showing the number of barrels (forty-two gallons to the barrel) of crude oil, petroleum or any of the products thereof which were transported through such pipe line, or any part thereof, during the preceding calendar month. Such report shall be subscribed by such licensee or by its, his or their agent duly appointed in writing for such purpose, and shall be accompanied by the affidavit of such subscriber stating in substance and effect that he knows the contents thereof, and that he has had free access to the books and vouchers of such licensee relating to the same for the purpose of determining the truth of the statements contained therein, and that such statements, and each and all thereof are true according to his best information and belief. Said railroad commission shall examine said sworn report, and if it shall have no reason to doubt the correctness of the same, shall, within not less than ten days thereafter, certify it to the secretary of state, and thereupon there shall immediately become due and payable to the people of the State of California at the office of the secretary of state, the sum of fifty cents (\$.50) for each such barrel of crude oil, petroleum or any of the products thereof so transported through such oil

Monthly report of oil transported.

Fifty cents per barrel due state.

pipe line. The delivery of such certified report by the railroad commission to the secretary of state shall be deemed notice as of the date of such filing to said licensee of the amount due as a license fee for such calendar month, under the provisions of this act.

Railroad commission may examine witnesses, etc., as to correctness of report.

SEC. 16. Whenever the railroad commission shall entertain any doubt of the correctness of such report so filed with it, said railroad commission may subpoena the subscriber of such sworn report, and require him to bring before the said commission the books and vouchers from which he secured the information set forth in said report, and may examine him under oath, and may subpoena such other witnesses and hear such other testimony in relation to such matter as it deems competent, material and relevant, and said commission shall proceed summarily in the matter and determine the true and correct number of such barrels of crude oil, petroleum or any of the products thereof which were so transported by such licensee through such oil pipe line, and shall thereupon certify to the secretary of state its finding of the number of such barrels, and thereupon there shall immediately become due and payable to the people of the State of California, at the office of the secretary of state, the sum of fifty cents (\$.50) for each of such barrels of crude oil, petroleum or any of the products thereof so transported through such oil pipe line. The delivery of such certified finding by the railroad commission to the secretary of state shall be deemed notice as of the date of such filing to said licensee of the amount due from such licensee as a license fee under the provisions of this act. The railroad commission may revoke the license of such licensee if, upon such hearing, it finds that any material statement contained in such sworn report is false, and that such falsity was known to such licensee at the time such report was filed with said railroad commission, or that said licensee had reason to believe at such time that such report was false in any particular, or if it finds that such licensee wilfully aided or abetted the making of such false report, either directly or indirectly, in any manner whatsoever; and said railroad commission may thereupon direct the secretary of state to revoke such license and prohibit him from renewing the same and from issuing any new license to such oil pipe line within one year from the time the same was revoked.

Revocation of license.

Penalty

SEC. 17. Every oil pipe line, and every agent, attorney or employee of the same who knowingly or wilfully violates or fails to comply with, or who knowingly or wilfully aids and abets any violation of any of the provisions of this act, or who knowingly and wilfully fails to observe, obey or comply with any order, decision, rule, direction, demand or requirement, or any part or provision thereof, of the said railroad commission, or who knowingly or wilfully procures, aids or abets any failure to observe, obey or comply therewith, is guilty of a misdemeanor and is punishable by a fine not exceeding

five thousand dollars (\$5,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 18. Any failure on the part of any licensee to pay within twenty (20) days after the same becomes due, the license fees or any portion thereof as required by and provided in the provisions of this act, shall operate to forfeit, *ipso facto*, such license, and to deprive such licensee of the right to continue to so transport, otherwise than as a common carrier, any crude oil, petroleum or any of the products thereof through such oil pipe line.

Failure to pay license fees

SEC. 19. The license fee, and each installment thereof, in this act provided for, upon the same becoming due, as herein provided, is hereby declared to be a lien upon the whole of the oil pipe line, for the privilege of maintaining and operating which said license is procured, as described in the application for such license, from the time that such license fee, and each installment thereof becomes due and payable; and such lien shall be enforceable in the same way that tax liens in the State of California are enforceable, and by the same procedure in so far as the same is or can be made applicable hereto.

Fees due become lien on oil pipe line.

SEC. 20. Any and every licensee under this act who pays a license fee of not less than fifty cents (\$.50) per barrel of forty-two (42) gallons each, to the State of California under any other law of this state for the privilege of transporting or of engaging, either directly or indirectly, in the business of transporting crude oil, petroleum or any of the products thereof through a pipe line or pipe lines, is hereby exempted and relieved from the payment of the monthly license fees herein provided for by this act.

Licensees exempt from monthly license fees.

SEC. 21. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional

Constitutionality of act.

CHAPTER 286.

An act to require private corporations, individuals or association of individuals to procure licenses to permit them to continue to maintain pipe lines already constructed for the transportation of crude oil, petroleum or any of the products thereof, for any distance whatsoever across, along, over or under any public highway or public road, which are intended to be used in whole or in part for such purpose for an aggregate distance of thirty-five or more miles, continuously or otherwise, and which pipe lines are operated other than as common carriers; and prohibiting the construction of any more such lines for such purposes for any distance whatsoever across, along, over or under any public highway or any public road; and providing for the issuance of such licenses; and fixing fees to be paid for and under such licenses, and establishing liens to secure same; and fixing penalties for violations of this act; and authorizing certain proceedings by and before the railroad commission in connection therewith; and authorizing certain court proceedings in connection therewith.

[Approved June 4, 1913. In effect August 10, 1913.]

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

Oil pipe
lines
required to
secure
license to
continue
operating.

SECTION 1. Every private corporation, individual or association of individuals owning, operating, managing or controlling, either directly or indirectly, or participating, either directly or indirectly, in the ownership, operation, management or control of any pipe line or pipe lines, or any part of any pipe line or pipe lines, plant or equipment for the transportation of crude oil or petroleum or of any of the products thereof, or engaged, either directly or indirectly in the business of transporting by pipe line or pipe lines, in whole or in part, continuously or otherwise, crude oil or petroleum or any of the products thereof from producing points or from points at, in or near any oil field or oil fields to any refinery or refineries, or to any distributing point or points, or to any marketing point or points, or to the vicinity of any thereof for an aggregate distance of thirty-five or more miles, within the State of California, otherwise than as a common carrier, and which said pipe line or pipe lines, or any part thereof, or of such plant or equipment is constructed or maintained for any distance whatsoever across, along, over or under any public highway or public road within the State of California, is hereby required within twenty days after this act goes into effect and before thereafter continuing or commencing to so transport, or to so engage in the business of transporting crude oil, petroleum or any of the products thereof through any part of such pipe line or pipe lines for any distance whatsoever across, along, over or under any public highway or public road, to procure a license from the sec-

retary of state as hereinafter provided, permitting it, him or them to continue, or to commence and continue, to transport and engage in the business of transporting crude oil, petroleum or any of the products thereof through such part or parts of such pipe line or pipe lines as is or are constructed or maintained for any distance whatsoever across, along, over or under any public highway or public road.

SEC. 2. The secretary of state is hereby authorized to issue licenses permitting private corporations, individuals or association of individuals to continue to own, operate, manage or control any pipe line or pipe lines already constructed and now being maintained for the transportation of crude oil, petroleum or any of its products, otherwise than as a common carrier across, along, over or under any public highway or public road within this state, to the extent only to which such pipe line or pipe lines is or are now already so constructed, operated and maintained, upon payment of a fee of two hundred and fifty dollars (\$250.00) for each separate pipe line so already constructed and maintained for any distance whatsoever across, along, over or under any public highway or public road for such length of time only as such licensee shall comply with all the provisions of this act and of any and every other act which may hereafter be enacted in relation to this subject by the legislature of California; *provided, further*, that the fees hereinafter required to be paid for such permit may hereafter be increased or diminished at any time as the legislature may determine.

Secretary of state may issue license.

Fee.

SEC. 3. The construction hereafter of any pipe line or pipe lines intended for the transportation of crude oil, petroleum or any of its products, otherwise than as a common carrier for an aggregate distance of thirty-five or more miles within this state, continuously or otherwise, by means of such pipe line or pipe lines, in whole or in part, for any distance whatsoever, across, along, over or under any public highway or public road within this state is declared to be contrary to public policy and is hereby expressly prohibited.

Future construction limited to common carriers.

SEC. 4. The license herein provided for shall not be issued by the secretary of state unless and until a written application therefor shall first be filed with him by the private corporation, individual or association of individuals desiring to procure the same, which shall describe in a general way the pipe line or pipe lines for the maintenance and operation of which such license is desired, stating the terminal points of such pipe line or pipe lines and the county and counties through which the same is or are constructed and maintained, and the number of miles thereof in each of such counties, and as nearly as may be the point and points at which such pipe line or pipe lines is or are constructed and maintained across, along, over or under any public highway or public road and the approximate distance thereof in each instance, and which written application shall also set forth the name of the private corporation, individual or association of individuals owning,

Application for license.

operating, managing or controlling, either directly or indirectly, such pipe line or pipe lines and each and every part thereof. And such license when issued shall describe such pipe line or pipe lines as described in such application.

Monthly
report
of oil
carried.

SEC. 5. Every private corporation, individual or association of individuals required to procure the license hereinbefore provided for shall file with the railroad commission of the State of California on or before the tenth day of each calendar month, including and following the second calendar month after this act goes into effect, and in such form as said railroad commission shall require, a full, true and correct report showing the number of barrels (forty-two gallons to the barrel) of crude oil, petroleum or any of the products thereof which were transported through each and every such pipe line so constructed, operated or maintained for any distance whatsoever across, along, over or under any public highway or any public road within this state during the preceding calendar month. Such report shall be subscribed by such licensee or by its, his or their agent duly appointed in writing for such purpose and shall be accompanied by the affidavit of such subscriber stating in substance and effect that he knows the contents thereof, and that he has had free access to the books and vouchers of such licensee relating to the same for the purpose of determining the truth of the statements contained therein, and that such statements, and each and all thereof, are true according to his best information and belief. Said railroad commission shall examine said report and if it shall have no reason to doubt the correctness of the same, shall, within not less than ten days thereafter, certify it to the secretary of state, and thereupon there shall immediately become due and payable to the people of the State of California at the office of, and through, the secretary of state, the sum of fifty cents (\$.50) for each such barrel of crude oil, petroleum or any of the products thereof so transported through such pipe line or pipe lines for any distance whatsoever across, along, over or under such public highway or public road. The delivery of such certified report by the railroad commission to the secretary of state shall be deemed notice as of the date of such filing, to said licensee of the amount due as a license fee for such calendar month under the provisions of this act.

Subscribed
by licensee.

Fee, fifty
cents
per barrel.

Railroad
commission
may exam-
ine into
correctness
of report.

SEC. 6. Whenever the railroad commission shall entertain any doubt of the correctness of such report so filed with it, said railroad commission may subpoena the subscriber of such report and require him to bring before said commission the books and vouchers from which he secured the information set forth in said report, and may examine him under oath, and may subpoena such other witnesses and hear such other testimony in relation to such matter as it deems competent, material and relevant, and shall proceed summarily in the matter and determine the true and correct number of such barrels of crude oil, petroleum or any of the products thereof which were so transported by said licensee through such pipe

line so constructed, operated or maintained for any distance whatsoever across, along, over or under any public highway or public road within this state, and shall thereupon certify to the secretary of state its finding of the number of such barrels, and thereupon there shall immediately become due and payable to the people of the State of California at the office of and through the secretary of state, the sum of fifty cents (\$.50) for each such barrel of such crude oil, petroleum or any of the products thereof so transported. The delivery of such certified finding by the railroad commission to the secretary of state shall be deemed notice as of the date of such filing to said licensee of the amount due as a license fee under the provisions of this act. The railroad commission may revoke the license of such licensee if, upon such hearing, it finds that any material statement contained in said sworn report is false and that such falsity was known to such licensee at the time such report was filed with said railroad commission, or that said licensee had reason to believe at such time that such report was false, or that such licensee wilfully aided or abetted the making of such false report, either directly or indirectly, in any manner whatsoever, and said railroad commission may thereupon refuse to authorize the secretary of state to renew any such license, or to issue a new one to any private corporation, individual or association of individuals whose license has thus been revoked, within one year from the time same was revoked.

Revocation
of license.

SEC. 7. Every individual and every member of any association of individuals, and every officer, agent, attorney or employee of any private corporation, who knowingly and wilfully violates or fails to comply with, or who knowingly and wilfully aids and abets any violation of any provision of this act, or who knowingly and wilfully fails to observe, obey or comply with any order, decision, rule, direction, demand or requirement, or any part or provision thereof, of the said railroad commission, or who knowingly or wilfully procures, aids or abets any failure to observe, obey and comply therewith, is guilty of a misdemeanor and is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

Penalty.

SEC. 8. Whenever the railroad commission shall entertain the belief that any private corporation, individual or association of individuals required by the provisions of this act to procure the aforesaid license, is transporting crude oil, petroleum or any of the products thereof, for any distance whatsoever, through any pipe line now constructed and maintained across, along, over or under any public highway or public road within this state without having procured the license herein provided for, or has or is about to construct any pipe line for the transportation of crude oil, petroleum or any of the products thereof for any distance whatsoever across, along, over or under any public highway or any public road within

Action
against
companies
failing to
take out
license.

this state, it shall direct the attorney of the commission to commence an action or proceeding in the superior court in and for the county, or city and county, in which such pipe line or any part thereof is so constructed or maintained, or has been or is about to be so constructed, for any distance whatsoever, across, along, over or under any public highway or public road, or in the superior court in and for the county, or city and county, in which the private corporation, individual or association of individuals so transporting or threatening to construct a pipe line or pipe lines for the purpose of transporting crude oil, petroleum or any of the products thereof, maintain or maintains it, his or their principal place of business, and said action or proceeding shall be brought in the name of the people of the State of California for the purpose of having such violation or threatened violation of the provisions of this act stopped and prevented by mandamus, injunction or other appropriate remedy, and for the purpose of recovering a judgment for such damages as may have been incurred by the people of the State of California for such violation or threatened violation of the provisions of this act.

Service of
petition.

It shall thereupon become the duty of the court to specify a time not exceeding twenty days after the service of the copy of the petition in which the private corporation, individual or association of individuals complained of must answer such petition, and in the mean time, said private corporation, individual or association of individuals may be restrained by said court from continuing such violation or threatened violation of any of the provisions of this act. In case of default in the answer, or after the answer has been filed by such defendant or defendants, the court shall immediately hear and determine the case. Such private corporation or individuals as the court may deem necessary or proper in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made perpetual as prayed for in the petition, or in such modified or other form as will give appropriate relief. An appeal may be taken to the supreme court from such final judgment in the same manner and with the same effect, subject to the provisions of this act, as appeals are taken from the judgments of the superior court in other cases involving mandamus or injunction.

Final
judgment.

Appeal.

Failure
to pay
license
fees.

SEC. 9. Any failure on the part of any licensee to pay within twenty days after the same becomes due, the license fees or any portion thereof as required by and provided in the provisions of this act, shall operate to forfeit, *ipso facto*, such license, and to deprive such licensee of the right to continue to transport any crude oil, petroleum or any of the products thereof through any part of any such pipe line or pipe lines for any distance whatsoever across, along, over or under any public highway or public road.

SEC. 10. The license fee, and each installment thereof, in

this act provided for, upon the same becoming due, as herein provided, is hereby declared to be a lien upon the whole of the pipe line or pipe lines and plant and equipment used in connection therewith of which that part of such pipe line, for the privilege of maintaining and operating which said license is procured, is a part as described in the application for such license, from the time that such license fee, and each installment thereof, becomes due and payable; and such lien shall be enforceable in the same way that tax liens in the State of California are enforceable, and by the same procedure in so far as the same is or can be made applicable hereto.

License fee lien on pipe line.

SEC. 11. Any and every licensee under this act who pays a license fee of not less than fifty cents (\$ 50) per barrel of forty-two gallons each to the State of California under any other law of this state for the privilege of transporting or of engaging, either directly or indirectly, in the business of transporting crude oil, petroleum or any of the products thereof through a pipe line or pipe lines, is hereby exempted and relieved from the payment of the monthly license fees herein provided for by this act.

Licensee exempt from monthly fees.

SEC. 12. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality of act.

CHAPTER 287.

An act to add a new section to the Civil Code to be numbered nine hundred fifty-five, relating to assignment of or orders for wages or salaries.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Civil Code of the State of California to be numbered nine hundred fifty-five, and to read as follows:

955. No assignment of, or order for wages or salary shall be valid unless made in writing by the person by whom the said wages or salary are earned and no assignment of, or order for, wages or salary made by a married person shall be valid unless the written consent of the husband or wife of the person making such assignment or order is attached to such assignment or order; and no assignment or order for wages or salary of a minor shall be valid unless the written consent of a parent or the guardian of such minor is attached to such order or assignment. No assignment of, or order for, wages or salary shall

Assignment of wages.

Power of
attorney
revocable.

be valid unless at the time of the making thereof, such wages or salary have been earned, except for the necessities of life and then only to the person or persons furnishing such necessities of life directly and then only for the amount needed to furnish such necessities. Any power of attorney to assign or collect wages or salary shall be revocable at any time by the maker thereof.

CHAPTER 288.

An act to amend section 2349 of the Political Code of the State of California, relating to navigable streams and public ways.

[Approved June 10, 1913 In effect immediately]

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

SECTION 1. Section 2349 of the Political Code of this state is hereby amended to read as follows:

Streams
declared
navigable
and public
ways.

Section 2349. Certain streams and waters declared navigable and are declared public ways: The following streams and waters are declared public ways: So much of a slough as lies between Simonds canal in the town of Alviso and the bay of San Francisco; all of the Coyote river between the bay of San Francisco and the place where the same is now crossed by the tracks of the Southern Pacific railroad company; all of the slough known as Alviso slough, sometimes called Steamboat slough, lying between the bay of San Francisco and the place where the same is now crossed by the tracks of the Southern Pacific railroad company; all of the slough known as the Guadalupe slough, and being the outlet or mouth of the Guadalupe river, lying between San Francisco bay and its junction with Alviso slough; all of Devil's slough lying within the corporate limits of the city of San Jose, or of the town of Sunnyvale in Santa Clara county, and extending thence to San Francisco bay; Petaluma river, from its mouth to the southerly line of Washington street, in the city of Petaluma; the Sonoma river, between its mouth and a point opposite Fowler's hotel, in the town of San Luis; the Napa river, between its mouth and a point sixty feet below the westerly line of Lawrence street in the city of Napa; the Suisun river, between its mouth and the town of Suisun embarcadero; the Sacramento river, between its mouth and a point one hundred feet below Reid's ferry, in Shasta county; the Feather river, between its mouth and a point fifty feet below the bridge crossing Feather river first above the mouth of the Yuba river; the Yuba river, between its mouth and a point at the mouth of the slough at the foot of F street, in the city of Marysville; the San Joaquin river, between its mouth and Sycamore point; the Stockton slough, between its mouth and the west line of El Dorado street in Stockton; the Mokelumne river, between its mouth and the first falls; the Tuolumne river, between its

mouth and Dickinson's ferry; Deer creek, between the house of Peter Lassen and its mouth; Big river, three miles from its mouth; Noyo river, three miles from its mouth; Albion river, three miles from its mouth; San Antonio creek, in the county of Alameda, from its mouth to the old embarcadero of San Antonio; the Arroyo del Medo, in the county of Santa Clara, from its mouth to the upper line of the town of New Haven; Mission creek, in the county of San Francisco; that portion of Channel street, in the city of San Francisco, lying easterly of the northeasterly line of Seventh street, the width thereof to be one hundred forty feet; that certain creek running through the tideland survey numbered sixty-eight, and swamp and overflowed land survey numbered one hundred and forty-five, from its mouth to the head of tidewater therein; San Leandro creek, from its mouth at San Francisco bay to Andrew's landing; San Lorenzo creek, from its mouth at San Francisco bay to Robert's landing; Johnson's creek, from its mouth at San Francisco bay to Simpson's landing; the north branch of Alameda creek, from its mouth to Eden landing; San Rafael and Corte Madera creeks, in Marin county, from their mouths as far up as tidewater flows therein; the Neuces creek, from its mouth at Suisun bay to a point one half mile above the warehouse of George P. Loucks; Diablo creek, from its junction with the Neuces, to a point opposite the warehouse of Frank Such, in Contra Costa county; the Arroyo de San Antonio, or Keys creek in Marin county, from its mouth at Tomales bay to the warehouses on the point at Keys embarcadero; all the streams and sloughs emptying into Elk river; and all the streams and sloughs south of Eureka, in Humboldt county, which are now or at any time have been used for the purpose of floating logs or timber, and all the sloughs south of Humboldt point, in said county, that at high water have a depth of two feet of water, and wide enough to float and admit a boat carrying five tons or more freight; Novato creek, or estuary, in Marin county from its mouth to Sweetzer's landing; Salinas river and Elkhorn slough, or Estero Viejo, in Monterey county, from its mouth as far up as tidewater flows; First Napa creek, Second Napa creek, and Third Napa creek, in Sonoma county, between Napa and Sonoma rivers; Mora Cojo slough, in Monterey county, from Salinas river to tidewater; Gallinas, or Guyanas slough or creek, in Marin county, from its mouth to the line of the Sonoma and Marin railroad; Clear lake, in Lake county; *provided*, that nothing herein contained shall be deemed to interfere with rights of owners and claimants of swamp or overflowed land around the margin of said Clear lake to reclaim the same; Newport bay, in the county of Orange, and all arms thereof, the sloughs connecting therewith in which the tide ebbs and flows, including the Santa Ana river from a point where said Santa Ana river empties into said bay, up to a point where said Santa Ana river is intersected by the east boundary of section nineteen, township six south, range ten west, San Bernardino base and meridian.

Streams
declared
navigable
and public
ways.

Urgency
measure.

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section 1 of article IV of the constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency: Section 2349 of the Political Code of this state, of which this act is amendatory, now declares certain rivers and streams navigable in instances where such rivers and streams are not navigable in fact, thereby preventing the bridging of such rivers and streams by county or municipal authority where it is necessary for the traveling public to cross the same, which said condition is dangerous to public safety, and will be obviated by section 1 of this act.

CHAPTER 289.

An act to amend an act entitled "An act to provide for the work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," (approved April 7, 1911), by adding a new section thereto to be numbered 77a, relating to the doing of work and making improvements upon railroad tracks and the roadbed thereof existing upon the streets of municipalities and the proceedings relating thereto.

[Approved June 10, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," to be numbered 77a and to read as follows:

City
council
may order
railroad
companies
to improve
roadbed,
etc., in
streets.

Sec. 77a. Whenever any railroad track or tracks of any description exist upon any street in any city which has been paved, macadamized, graveled, capped, or oiled either for the whole or any portion of the width of the roadway thereof along or near the line of such railroad track or tracks, and the roadbed thereof has not been improved similar in all respects to and with the same materials as such street along the line of such track or tracks; or where any portion of such

roadbed, whether so improved or not is out of repair or is not on the official grade of such street or has small hummocks or ridges or loose rock upon or along such roadbed or the materials composing such roadbed next to the rails of such track or tracks are not flush with the top of such rails or the sides thereof, the city council of any city may, by resolution, require and order the person or company having or owning such railroad track or tracks to improve the roadbed thereof by making repairs or by bringing the roadbed to the official grade or removing the hummocks or ridges or loose rock upon or along such roadbed or making the roadbed and the materials thereof flush with the top or sides of the rails of such track or tracks. Such city council may require and order any or all of said work or improvement as may be designated in such resolution and to be done in the manner therein designated.

The city council may also require, by resolution, any person or company aforesaid to pave alongside of and contiguous to its rails with special type of brick or paving blocks or other material.

Special brick along rails.

The resolution to require and order said work or improvement shall be personally served upon the person or company having or owning such railroad track or tracks, or service thereof may be made upon any agent or representative of such person or company or any officer of such company, and upon such service being made, such resolution shall be construed and is hereby declared to be notice to said person or company of the intention to order the work or improvement as designated in such resolution.

Service of resolution.

Thereupon, it shall be the duty of said person or company to notify, in writing, the superintendent of streets of the city where such work or improvement is to be done, if such person or company elects to enter upon the direct performance of such work or improvement at his or its own charge or expense. Said notice must be delivered to the said superintendent of streets within ten days after the service of such resolution as aforesaid.

Notice of election to do work.

The omission or neglect to make such election by delivering such notice shall be construed as constituting the superintendent of streets the agent of the owner of said track or tracks with authority to enter into a contract made in accordance with the provisions of this section for doing said work and making said improvements.

Failure to give notice.

Said superintendent of streets shall thereupon be vested with authority to and he shall advertise for bids for said work or improvement for at least two days in some newspaper published and circulated in such city, and fix the time in such notice for receiving bids not less than five days from the first publication thereof.

Authority vested in superintendent of streets.

It shall be the duty of such city council to award the contract for doing said work or making said improvements to the lowest regular, responsible bidder.

Award of contract.

Check to accompany bid. All bids offered shall be accompanied by a check or by a bond and shall be delivered, opened and award of contract made, all as provided by section ten of said act, except that no notice of award shall be published.

Contract Upon the award being made, the superintendent of streets shall enter into a contract with the person to whom said contract was awarded for doing said work or making said improvement described in said notice inviting bids, and at the price stated in said bid.

Contractor's bonds. The contractor shall execute bonds in the manner required by section fifteen of said act. Upon the completion of the work and its acceptance, the street superintendent shall make a certificate of such completion, together with a statement of the amount due under the terms of said contract for the performance of said work. Such certificate shall be countersigned by the mayor of said city, and shall be recorded in the office

Contractor entitled to payment. of said superintendent of streets. The contractor thereupon shall be entitled to payment for the full amount of said contract price, and the recording of such certificate shall be sufficient notice to the owner of such track or tracks that said contract is due and payable. In the event that such amount is not paid within thirty days from the date of the recording of said certificate, the contractor may file a sworn statement to that effect with the superintendent of streets, who shall record the same in his office in the book in which the certificate of acceptance has been recorded. Said contractor shall thereupon have a cause of action against said person or company owning said tracks for the amount of said contract, together with a reasonable attorney's fee, to be fixed by the court, and shall also have as a security for the recovery of such amount, a first lien upon the track and franchises of said railroad contained within the corporate limits of the said city. In such suit, the certificate of the superintendent of streets, hereinbefore mentioned, shall be and constitute prima facie evidence of the regularity of all proceedings, and of the right of the contractor to recover judgment against said person or company. Execution may be taken out upon the entry of judgment, and levied upon any property of said person or company subject to execution. In the event that said person or company shall file the written election to enter upon the direct performance of such work at its own cost and expense, no further proceedings shall be taken in the matter unless such person or company neglects or fails for thirty days, or for such further time as the city council may, by resolution, grant, to make and complete said work or improvement.

Work not diligently done In the event that the said work or improvement shall not be made with diligence as herein provided, the city council of said city may, by resolution entered upon its minutes, prescribe such terms and conditions as to it may seem fit and proper before permitting the said person or company to continue with the said improvement. If the said person or company shall, after three days' notice of the adoption of said resolu-

tion, fail to comply with the terms and conditions so prescribed, the city council may, at any time thereafter, declare said person or company to have forfeited its privilege of performing such work or improvement under its own direction. Whereupon the street superintendent shall advertise for bids for the performance of such work, or such portion thereof as may remain uncompleted, and the contract therefor shall be awarded and entered into in the same manner hereinbefore provided for the awarding and execution of contracts where said person or company has not elected to make the improvements under its own direction; and upon the completion of the improvement, the contractor to whom such contract may be awarded, or his assigns, shall be entitled to a certificate from the street superintendent similar to that hereinabove provided for, and shall have the right to collect from said person or company by suit the amount specified in said certificate in all respects the same as hereinbefore provided where the contract is let for such work or improvement in the first instance. The city council may, by ordinance, prescribe and enforce such additional regulations and penalties as it may deem necessary to compel the work or improvement as herein provided of any portion or portions of any such street or streets so occupied by any such railroad track or tracks.

Advertise
for bids

Additional
regulations
and
penalties.

The word "roadbed" herein used shall be deemed to embrace that portion of any street used by the track of any railroad between the rails and for two feet on each side thereof and between the tracks if there is more than one, including the rails of such track or tracks.

"Roadbed"
defined.

CHAPTER 290.

An act to add a new section to the Penal Code of the State of California relating to the regulation of loading and unloading of vessels, to be known as and numbered three hundred and sixty-eight a, of said code.

[Approved June 10, 1913. In effect August 10, 1913.]

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

[SECTION 1.] A new section is hereby added to the Penal Code of the State of California to be known as and numbered three hundred sixty-eight a and to read as follows:

368a. Any person, firm or corporation engaged in the business of loading or unloading ships or vessels, or who contracts to load or unload a ship or vessel, or who shall be in charge of a ship or vessel while the same is being loaded or unloaded, or who is authorized to load or unload any ship or vessel, having a carrying capacity of fifty tons or greater, shall employ and supply upon every ship or vessel while being loaded or unloaded, a person over the age of twenty-one years

Hatch-
tender for
ships of
50 tons
capacity.

to act as signal man or hatch-tender whose sole duty it shall be to observe the operations of loading or unloading of each working hatch on such ship or vessel, and to warn all persons engaged in the operation of loading or unloading of any possibility of any injury to any of the articles of which the cargo is composed, or of danger to any person engaged or being in or about the said ship or vessel while the same is being loaded or unloaded as aforesaid. Any person, firm, or corporation violating the provisions of this act is guilty of a misdemeanor.

Penalty.

CHAPTER 291.

An act to amend section one thousand two hundred and thirty-eight of the Code of Civil Procedure of the State of California relating to the public uses on behalf of which the right of eminent domain may be exercised.

[Approved June 10, 1913. In effect August 10, 1913.]

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

SECTION 1. Section twelve hundred thirty-eight of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Right of eminent domain.

1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

Uses of United States.

1. Fortifications, magazines, arsenals, navy yards, navy and army stations, lighthouses, range and beacon lights, coast surveys, and all other public uses authorized by the government of the United States.

Uses of state.

2. Public buildings and grounds for the use of the state, or any state institution, and all other public uses authorized by the legislature of the state.

Public utilities, counties, cities, etc.

3. Any public utility, and public buildings and grounds, for the use of any county, incorporated city, or city and county, village, town or school districts, ponds, lakes, canals, aqueducts, reservoirs, tunnels, flumes, ditches or pipes, lands, water system plants, buildings, rights of any nature in water, and any other character of properly necessary for conducting or storing or distributing water for the use of any county, incorporated city, or city and county, village or town or municipal water district, or the inhabitants thereof, or any state institution, or necessary for the proper development and control of such use of said water, either at the time of the taking of said property, or for the future proper development and control thereof, or for draining any county, incorporated city, or city and county, village or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels; roads, highways, boulevards, streets and alleys; public mooring places for water craft; public parks, including parks and other places covered by water,

and all other public uses for the benefit of any county, incorporated city, or city and county, village or town, or the inhabitants thereof, which may be authorized by the legislature; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.

4. Wharves, docks, piers, warehouses, chutes, booms, ferries, bridges, toll roads, by-roads, plank and turnpike roads; paths and roads either on the surface, elevated, or depressed, for the use of bicycles, tricycles, motorcycles and other horseless vehicles, steam, electric, and horse railroads, canals, ditches, dams, poundings, flumes, aqueducts and pipes for irrigation, public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable, and lands with all wells and water therein adjacent to the lands of any municipality or of any corporation, or person supplying water to the public or to any neighborhood or community for domestic use or irrigation.

Wharves,
ferries,
bridges,
etc.

5. Roads, tunnels, ditches, flumes, pipes and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines.

Roads,
flumes,
etc., for
mines.

6. By-roads leading from highways to residences, farms, mines, mills, factories and buildings for operating machinery, or necessary to reach any property used for public purposes.

By-roads.

7. Telegraph and telephone lines, systems and plants.

Telegraph.

8. Sewerage of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any buildings belonging to the state, or to any college or university, also the connection of private residences and other buildings, through other property, with the mains of an established sewer system in any such city, city and county, town or village.

Sewerage.

9. Roads for transportation by traction engines or road locomotives.

Roads.

10. Oil pipe lines.

Pipe lines.

11. Railroads, roads and flumes, for logging or lumbering purposes.

Railroads.

12. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes and outlets natural or otherwise for supplying, storing, and discharging water for the operation of machinery for the purpose of generating and transmitting electricity for the supply of mines, quarries, railroads, tramways, mills, and factories with electric power; and also for the applying of electricity to light or heat mines, quarries, mills, factories, incorporated cities and counties, villages or towns; and also for furnishing electricity for lighting, heating or power purposes

Canals.

to individuals or corporations, together with lands, buildings and all other improvements in or upon which to erect, install, place, use or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth.

Power
lines.

13. Electric power lines, electric heat lines, electric light lines, electric light, heat and power lines, and works or plants, lands, buildings or rights of any character in water, or any other character of property necessary for the generation, transmission or distribution of electricity for the purpose of furnishing or supplying electric light, heat or power to any county, city and county or incorporated city or town, or the inhabitants thereof, or necessary for the proper development and control of such use of such electricity, either at the time of the taking of said property, or for the future proper development and control thereof.

Ceme-
teries.

14. Cemeteries for the burial of the dead, and enlarging and adding to the same and the grounds thereof.

Public
records.

15. The plants, or any part thereof or any record therein, of all persons, firms or corporations heretofore, now or hereafter engaged in the business of searching public records, or publishing public records or insuring or guaranteeing titles to real property, including all copies of, and all abstracts or memoranda taken from, public records, which are owned by, or in the possession of such persons, firms or corporations, or which are used by them in their respective businesses; *provided, however*, that the right of eminent domain in behalf of the public uses mentioned in this subdivision may be exercised only for the purpose of restoring or replacing, in whole or in part, public records, or the substance of public records, of any city, city and county, county or other municipality, which records have been, or may hereafter be, lost or destroyed by conflagration or other public calamity; *and provided, further*, that such right shall be exercised only by the city, city and county, county or municipality, whose records, or part of whose records, have been, or may be, so lost or destroyed.

Fairs.

16. Expositions or fairs in aid of which the granting of public moneys or other thing of value has been authorized by the constitution.

Gas, etc.,
plants.

17. Works or plants for supplying gas, heat, refrigeration or power to any county, city and county, or incorporated city or town, or the inhabitants thereof, together with lands, buildings, and all other improvements in or upon which to erect, install, place, maintain, use or operate machinery, appliances, works and plants for the purpose of generating, transmitting and distributing the same and rights of any nature in water, or property of any character necessary for the purpose of generating, transmitting and distributing the same, or necessary for the proper development and control of such use of such gas, heat, refrigeration, or power, either at the time of the taking of said property, or for the future proper development and control thereof.

CHAPTER 292.

An act to amend section one thousand two hundred and forty of the Code of Civil Procedure of the State of California relating to the private property which may be taken under title VII of part III of the Code of Civil Procedure.

[Approved June 10, 1913. In effect August 10, 1913.]

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

SECTION 1. Section twelve hundred forty of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1240. The private property which may be taken under this title includes: Private property which may be taken.

1. All real property belonging to any person;

2. Lands belonging to this state, including tide and submerged lands, not within the corporate limits of any city, or city and county, or to any county, incorporated city, or city and county, village or town, not appropriated to some public use;

3. Lands belonging to the United States or owned or held by the United States in trust, or otherwise, for any purpose, except lands owned or held for lighthouses, post offices or other government buildings, forts, arsenals, or other military purposes; Lands of United States.

4. Property appropriated to public use; but such property shall not be taken unless for a more necessary public use than that to which it has already been appropriated; *provided*, that where any such property has been so appropriated by any individual, firm or private corporation, the use thereof for a public street or highway of a county, city and county, or incorporated city or town or the use thereof by a county, city and county, incorporated city or town or municipal water district, for the same public purpose to which it has been so appropriated, or for any other public purpose, shall be deemed more necessary uses than the public use to which such property has already been appropriated; *and provided, further*, that where property already appropriated to a public use or purpose, by any person, firm or private corporation, is sought to be taken by a county, city and county, incorporated city or town, or municipal water district, for another public use or purpose, which is consistent with the continuance of the use of such property or some portion thereof for such existing purpose, to the same extent as such property is then used, or to a less or modified extent, then the right to use such property for such proposed public purpose, in common with such other use or purpose, either as then existing, or to a less or modified extent, may be taken by such county, city and county, incorporated city or town, or municipal water district, and the court may fix the terms and conditions

Property for public use.

upon which such property may be so taken, and the manner and extent of the use thereof for each of such public purposes, and may order the removal or relocation of any structures or improvements therein or thereon, so far as may be required by such common use. But property appropriated to the use of any county, city and county, incorporated city or town or municipal water district, may not be taken by any other county, city and county, incorporated city or town, or municipal water district, while such property is so appropriated and used for the public purposes for which it has been so appropriated.

Franchises
for public
utilities.

5. Franchises for any public utility, and all kinds of property of any nature whatsoever used, either during the existence of or at the termination of said franchise, to supply and furnish the service of such public utility, but such franchise or property shall not be taken except for a more necessary public use.

Rights
of way.

6. All rights of way for any and all the purposes mentioned in section one thousand two hundred and thirty-eight, and any and all structures and improvements on, over, across or along such rights of way, and the lands held or used in connection therewith shall be subject to be connected with, crossed, or intersected by or embraced within any other right of way or improvements, or structures thereon. They shall also be subject to a limited use, in common with the owner thereof, when necessary; but such uses, crossings, intersections, and connections shall be made in manner most compatible with the greatest public benefit and least private injury; no railroad main track crossing, outside the limits of any incorporated town, city or county, shall be at grade, unless the party proposing such crossing at grade shall, at its own sole cost and expense, protect such crossing by the construction, operation and maintenance of an interlocking plant, with suitable signals and derails; but either party to such crossing may insist upon a separation of grades, in which case the cost of constructing such crossing with separate grades shall be equally divided between the railroad companies concerned; *and provided, further*, that where any such crossing has been constructed at grade, either company may, at any time thereafter, require a separation of the grades at such crossing, each company paying one half of the expense of such separation; *and provided, further*, that the foregoing provisions shall not be construed as requiring a separation of grades where such separation is physically impracticable, and in case of any dispute or controversy as to the physical practicability of any undergrade or overhead crossing, the same shall be determined by the superior court of the county in which such crossing is situate in an action or proceeding brought by either party for that purpose;

7. All classes of private property not enumerated may be taken for public use, when such taking is authorized by law;

Proceed-
ings to
condemn
state
lands.

8. Proceedings to condemn lands belonging to this state are hereby authorized, and must be maintained and conducted in

the same manner as are other condemnation proceedings provided for in this title; except, that in such proceedings the summons and a copy of the complaint must be served on the governor, attorney general, and surveyor general of this state.

9. Proceedings to condemn any of said lands belonging to the United States or owned or held by the United States in trust, or otherwise, for any purpose, are hereby authorized, and must be maintained and conducted in the same manner as are other condemnation proceedings provided for in this title; except, that in such proceedings, the summons and a copy of the complaint must be served on the United States district attorney for the district in which the land sought to be condemned is situated and also upon the United States surveyor general for this state.

Proceedings to condemn United States lands.

CHAPTER 293.

An act to amend section one thousand two hundred and forty-one of the Code of Civil Procedure of the State of California relating to what must appear before property can be taken under title VII or part III of the Code of Civil Procedure.

[Approved June 10, 1913. In effect August 10, 1913.]

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

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

1241. Before property can be taken, it must appear:

1. That the use to which it is to be applied is a use authorized by law;
2. That the taking is necessary to such use; *provided*, when the legislative body of a county, city and county, or an incorporated city or town, shall, by resolution or ordinance, adopted by vote of two thirds of all its members, have found and determined that the public interest and necessity require the acquisition, construction or completion, by such county, city and county, or incorporated city or town, of any proposed public utility, or any public improvement, and that the property described in such resolution or ordinance is necessary therefor, such resolution or ordinance shall be conclusive evidence; (a) of the public necessity of such proposed public utility or public improvement; (b) that such property is necessary therefor, and (c) that such proposed public utility or public improvement is planned or located in the manner which will be most compatible with the greatest public good, and the least private injury; *provided*, that said resolution or ordinance shall not be such conclusive evidence in the case of the taking by any county, city and county, or incorporated

Fact-necessary before condemnation.

city or town, of property located outside of the territorial limits thereof.

Property
already
appropriated to
public use.

3. If already appropriated to some public use, that the public use to which it is to be applied is a more necessary public use, *provided*, that where such property has been so appropriated by any individual, firm or private corporation, the use thereof for a public street or highway of a county, city and county, or any incorporated city or town, or the use thereof by a county, city and county, or any incorporated city or town, or a municipal water district for the same purposes to which it has been appropriated, or for any other public purpose, shall be deemed a more necessary use than the public use to which such property has been already appropriated; *and provided, further*, that property of any character, whether already appropriated to public use or not, including all rights of any nature in water, owned by any person, firm or private corporation may be taken by a county, city and county, or any incorporated city or town or by a municipal water district, for the purpose of supplying water, or electricity for power, lighting or heating purposes to such county, city and county, or incorporated city or town, or municipal water district, or the inhabitants thereof, or for the purpose of supplying any other public utility, or for any other public use. And such taking may be made, either to furnish a separate and distinct supply of such water, and such electricity for power, lighting or heating purposes, or to provide for any such separate and distinct other public utility or other public use; or to furnish such a supply or provide for any such other public utility or other public use in conjunction with any other supply or with any other public utility or other public use that may have been theretofore provided for or that may thereafter be provided for in so supplying or providing for such county, city and county, or incorporated city or town, or municipal water district or the inhabitants thereof; or in conjunction with any other supply or with any other public utility or other public use that may have been theretofore determined upon or that may thereafter be determined upon in accordance with law by the people of any such county, city and county, incorporated city or town or municipal water district. Nothing herein contained shall be construed as in any way limiting such rights as may be given by any other law of this state to counties, cities and counties, incorporated cities or towns or municipal water districts. But private property appropriated to the use of any county, city and county, incorporated city or town, or municipal water district, may not be taken by any other county, city and county, incorporated city or town, or municipal district, while such property is so appropriated and used for the public purposes for which it has been so appropriated.

CHAPTER 294.

An act to amend sections six hundred and thirty-seven and six hundred and thirty-eight of the Civil Code, relating to building and loan associations.

[Approved June 10, 1913. In effect August 10, 1913.]

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

SECTION 1. Section six hundred and thirty-seven of the Civil Code is hereby amended to read as follows:

637. Loans may be made upon the "mutual plan" or upon the "definite contract plan." Loans made upon the mutual plan shall be accompanied by a pledge of shares having a matured or par value equal to the face of the loan. Definite contract loans shall be repayable in a definite number of equal periodical installments, to be named in the note or obligation, each in an amount sufficient for the aggregate of all to repay the principal of the loan together with interest on the unpaid periodical balances, within the time and at the rate agreed upon. It shall be unlawful for any director or officer of any corporation governed by this title, directly or indirectly, for himself, or as a partner or agent for others, to borrow any of the funds of such corporation, and any officer or director violating the provisions of this section shall be guilty of a felony. Any officer or director of any such corporation who consents on behalf of such corporation to make a loan to any officer or director of such corporation shall be guilty of a felony, and shall also be personally liable to the corporation for the full amount thereof. It shall be unlawful for any building and loan association, corporation or society operating under the provisions of this title to loan any of its funds upon any of its own guarantee stock or upon its permanent nonwithdrawable capital stock as security. Any officer or director of an association who shall make any such loan for and on behalf of any association shall be personally liable to the corporation for the full amount thereof, and shall also be deemed guilty of a felony. It shall be unlawful for any building and loan association, corporation or society, operating under the provisions of this title, to loan any of its funds upon the security of, or to invest any of its funds in any mining shares or mining stocks, or in the stocks or bonds of any corporation, other than in this title provided; and any officer or director who, on behalf of any such corporation, shall make any such loan or investment, or who shall consent thereto, shall be personally liable to the corporation for the whole amount of any such loan or investment, and shall also be guilty of a felony.

Loans of building and loan associations.

Others may not borrow.

No loan on own guaranteed stock.

No loan on mining stock.

SEC. 2 Section six hundred and thirty-eight of the Civil Code is hereby amended to read as follows:

638. For every loan made a note or obligation must be executed by the borrower, secured by a first mortgage or deed of trust upon unencumbered real estate having an appraised

Security for loans.

Interest.

value of not less than twenty-five per cent in excess of the face of the loan (except such loans as may be made upon the security of bonds specified in section six hundred and forty-seven); or in lieu of a mortgage or deed of trust, loans to the extent of not exceeding ninety per cent of the then withdrawable value, may be made upon the pledge of free shares or certificates as security for their repayment. The board of directors may from time to time fix the rate of interest to be charged on loans. A borrower may at any time repay his loan together with interest or arrears due thereon and upon the surrender of the shares, or certificates pledged as security therefor.

CHAPTER 295.

An act to amend section six hundred and thirty-three of the Civil Code, relating to building and loan associations.

[Approved June 10, 1913. In effect August 10, 1913.]

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

SECTION 1. Section six hundred and thirty-three of the Civil Code, relating to building and loan associations, is hereby amended to read as follows:

Powers of building and loan associations.

633. Building and loan associations as hereinafter, in this title defined, shall have power to receive money and accumulate funds to be loaned, and to loan the same to their shareholders, investors and others; to permit shareholders and investors to withdraw part or all of their payments, investments or stock deposits, and to prescribe the terms and conditions of such withdrawal; to cancel shares of stock, the payments on which have been withdrawn; to receive money and to execute certificates therefor, which must specify the date, amount, rate of interest, and when the principal and interest are payable, and also the withdrawal value thereof at the end of each year; to borrow money for the purpose of making loans and of paying withdrawals and maturities; and shall have such further powers as may be specifically set forth under this title: *provided, however*, that no such association shall, at any time, have or carry upon its books, for any member or investor, any demand, commercial or checking account or any credit to be withdrawn upon the presentation of any negotiable check or draft. Every such corporation hereafter formed, in setting forth for the purposes for which it is formed, shall state, in its articles of incorporation, that it is formed to encourage industry, frugality, home building, and savings among its shareholders and members; the accumulation of savings; the loaning to its shareholders and members of the moneys or funds so accumulated, with the profits and earnings thereon, and the repayment to each of his savings and profits, whenever they have accumulated to the full par value of the shares, or at any

Purposes for which formed.

time when he shall desire the same or when the corporation shall desire to repay the same, as it may be provided in the by-laws; and shall also state that it is formed for all the purposes specified in this title.

CHAPTER 296.

An act to amend section six hundred and thirty-four of the Civil Code, relating to building and loan associations.

[Approved June 10, 1913. In effect August 10, 1913.]

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

SECTION 1. Section six hundred and thirty-four of the Civil Code is hereby amended to read as follows:

634. The capital of every such corporation shall be divided into shares of the matured or par value of one hundred or two hundred dollars each, as provided by the articles of incorporation, and shall be paid in by the subscribers in the manner provided by the by-laws. All such payments shall be called dues. Certificates shall be issued to each shareholder on the first payment of dues by him. Shares pledged as security for the repayment of a loan shall be called pledged shares, and all others, free shares. All shares matured and surrendered or canceled, shall become the property of the corporation and may be reissued. The capital shall consist of the accumulated dues together with the apportioned profits of the corporation, and shall be accumulated by the issuance of shares in "installment" form and, where the by-laws shall so provide, in any or all the following forms, viz: "full paid," "pass-book or juvenile" and "guarantee."

a. Installment shares shall be either "serial" or "permanent" in form. When issued in "serial" form the periodical dues on shares in each series shall commence with the date of the issue of such series and the holder must pay such dues and such amounts per share and at such times as the by-laws may provide, and such payments must continue on each share until, with the profits allotted thereto, it reaches its matured value or is withdrawn or canceled. On all such issues the dividends shall be apportioned or credited equally to each share in each series. No share of a prior series shall be issued after the issue of shares in a new series, except by way of transfer. Shares issued in "permanent" form may be issued at any time and the dividends thereon may be credited in the pass-books of the members. Shares of either form may be issued in "classes" with a different periodical payment for each class designation, to be specified in the by-laws, and shall be issued with full participation in the profits subject to apportionment as dividends.

b. Full paid shares shall be shares upon which a single pay-

Shares of
building
and loan
associa-
tions.

Install-
ment
shares.

Full paid
shares.

ment of dues amounting to one hundred or two hundred dollars per share shall be paid at the time of subscription and upon which the holder shall be entitled to either a full participation in the net profits or to an agreed rate of dividends not exceeding six per cent per annum, payable semiannually in cash, to be specified in the body of the certificate issued. All such shares may be issued in separate classes as to participation, under regulations to be provided in the by-laws and which must be fully set forth in or upon each certificate issued.

Pass-books
shares.

c. Pass-books or juvenile shares are shares which shall participate in the apportionment of net profits and be credited therewith at a rate not less than seventy-five nor more than ninety per centum of the rate apportioned to installment shares, as the by-laws shall determine, and upon which the dues may be paid in at such times and in such amounts as the holder thereof may elect until said shares reach their matured value or are withdrawn. Such shares shall be withdrawable under rules to be provided in the by-laws and fully set forth in the pass-books issued. The matured value of this class of shares shall not exceed in volume twenty-five per centum of the matured value of all other shares in force. No membership fee, fine or forfeiture shall be chargeable against such shares.

Guarantee
stock.

d. Guarantee stock shall be stock, provided by the by-laws, to be set apart and sold as a fixed, permanent or guarantee capital. When any such stock has been once so set apart, sold and issued, it shall thereafter remain as a fixed, permanent and guarantee capital, and shall be subjected to all the conditions and liabilities attaching to the paid-in capital stock of other classes of corporations. Such guarantee stock shall protect and guarantee all other stockholders and creditors against any loss, and when once paid it must be kept unimpaired.

Reserve.

e. Every corporation specified in this title issuing installment or full paid investment certificates shall at all times have issued and fully paid for, either an amount of guarantee capital stock, or permanent nonwithdrawable capital stock, or both such guarantee capital stock and permanent nonwithdrawable capital stock equal to ten per cent of the aggregate amount of its liability on its said installment investment certificates, and full paid investment certificates, or shall have a reserve fund equal to ten per cent of its said aggregate liability on said installment and full paid investment certificates.

Directors.

f. Corporations specified in this title, issuing guarantee stock, may provide in their by-laws that a majority of the board of directors shall be selected from the holders of such stock.

Entrance
fee.

g. Every such corporation shall also have power, by its by-laws, to charge an entrance or withdrawal fee, for each share of stock it may issue, not exceeding one dollar on each share, and also to charge a transfer fee, not exceeding ten cents on each share, all of which fees shall be accounted for by the corporation like other funds of the association. No other fee, charge or deduction shall ever be made or permitted to be

made against any shareholder, or against any of his shares hereafter issued, or the dues paid in thereon for the purpose of creating a fund to be used in the payment of current or running expenses.

CHAPTER 297.

An act to add a new section to the Code of Civil Procedure of the State of California to be numbered five hundred twenty-one relating to claim and delivery of personal property.

[Approved June 10, 1913. In effect August 10, 1913.]

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

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

521. After the property has been delivered to the plaintiff as in this chapter provided, the court shall, by appropriate order, protect the plaintiff in the possession of said property until the final determination of the action.

Protection of plaintiff in possession of property.

CHAPTER 298.

An act to amend section one thousand two hundred forty-four of the Code of Civil Procedure, relative to proceedings in eminent domain.

[Approved June 10, 1913. In effect August 10, 1913.]

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

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

1244. The complaint must contain:

1. The name of the corporation, association, commission, or person in charge of the public use for which the property is sought, who must be styled plaintiff.

Complaint in eminent domain proceedings.

2. The names of all owners and claimants of the property, if known, or a statement that they are unknown, who must be styled defendants.

3. A statement of the right of the plaintiff.

4. If a right of way be sought, the complaint must show the location, general route, and termini, and must be accompanied with a map thereof, so far as the same is involved in the action or proceeding.

5. A description of each piece of land, or other property or interest in or to property, sought to be taken, and whether the same includes the whole or only a part of an entire parcel or

tract or piece of property, or interest in or to property. All parcels of land, or other property or interest in or to property, lying in the county, and required for the same public use, may be included in the same or separate proceedings, at the option of the plaintiff, but the court may consolidate or separate them to suit the convenience of the parties. When application for the condemnation of a right of way for the purpose of sewerage is made on behalf of a settlement, or of an incorporated village or town, the board of supervisors of the county may be named as plaintiff.

CHAPTER 299.

An act to amend sections three thousand seven hundred and sixty-four, three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-seven, three thousand eight hundred and ninety-seven, and three thousand eight hundred and ninety-eight of the Political Code of the State of California, and to add to said Political Code two new sections to be numbered three thousand seven hundred and seventy-three and three thousand seven hundred and eighty-five b, all relating to property sold to the state for delinquent taxes and providing for its disposal by sale and redemption.

[Approved June 10, 1913. In effect August 10, 1913.]

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

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

3764. On or before the fifth day in June of each year, the tax collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of taxes, penalties, and costs due, opposite each name and description, with the taxes due on personal property, the delinquent state poll, road, and hospital tax, the taxes due each school, road, or other lesser taxation district, added to the taxes on real estate, where the real estate is liable therefor, or the several taxes are due from the same person; *provided, however,* that before publication of said list the tax collector and auditor shall jointly arrange said list in such manner that said publication shall designate in some particular manner the property contained in said list which was sold to the state five years previous under the provisions of section three thousand seven hundred and seventy-one of this code, on which the taxes remain unpaid, or which property has not been redeemed or the sale thereof canceled, and which property the state would otherwise be entitled to a deed thereof after the lapse of five years from said previous sale.

Annual
publication
of delin-
quent tax
lists.

Arrange-
ment of
lists.

SEC. 2. Section three thousand seven hundred and seventy-one of the Political Code is hereby amended to read as follows:

3771. On the day and hour fixed for the sale, all the property delinquent, upon which the taxes of all kinds, penalties, and costs have not been paid, shall, by operation of law and the declaration of the tax collector, be sold to the state, and said tax collector shall make an entry, "Sold to the state," on the delinquent assessment list, opposite the tax, and he shall be credited with the amount thereof in his settlement, made pursuant to sections three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-eight and three thousand seven hundred and ninety-nine; *provided*, that on the day of sale the owner or person in possession of any property offered for sale for taxes due thereon, may pay the taxes, penalties, and costs due; *and provided, further*, that when the original tax amounts to the sum of three hundred dollars or more upon any piece of property or assessment delinquent, the state may bring suit against the owner of said property for the collection of said tax or taxes, penalties, and costs, as provided in section three thousand eight hundred and ninety-nine; *and provided, further*, that any property contained in the advertised list as provided for in section three thousand seven hundred and sixty-four of this code, which has not been redeemed from the sale made to the state five years previously, shall be sold by the tax collector at public auction to the highest bidder for cash in lawful money of the United States; but no bid shall be accepted at such sale for less than the amount of all taxes, penalties and costs due as shown in said advertised list. After such bid has been made and accepted the right of redemption shall cease, except as to the purchaser, who shall have thirty days within which to make redemption as provided in section 3785*b* of this code, and if not so redeemed or if no sale is had under the provisions of this paragraph, then said property shall be deeded to the state as provided in section 3785 of this code; *and provided, further*, when any property is to be sold at public auction as provided in this section, within five days after the first publication of said delinquent list the tax collector shall mail a copy of said list or publication, postage thereon prepaid and registered, to the party to whom the land was last assessed next before such sale, at his last known post office address. The money received hereunder shall be distributed as provided in section three thousand eight hundred and ninety-eight of this code. The charge for advertising shall be at the rate fixed by the board of supervisors for other advertising in said county.

Property sold to state.

Owner may pay on day of sale.

Suit for collection.

Property not redeemed in five years sold to highest bidder.

List mailed to owner.

SEC. 3. A new section is hereby added to the Political Code, to be numbered three thousand seven hundred seventy-three, and to read as follows:

3773. When lands have been sold, or shall hereafter be sold, to the State of California by reason of non-payment of taxes, no owner or claimant of such lands, nor any other person, shall remove or destroy any building, fixture or other improve-

Improvements on land sold to state not to be removed.

ment on such lands, or cut or remove any timber, or do or cause to be done any other act which shall tend permanently to impair the value of the lands or the value of the improvements thereon; *provided*, this act shall not apply when such lands have been redeemed from sale or have been sold and disposed of by the state. Violation of any of the provisions of this section shall constitute a misdemeanor.

SEC. 4. A new section is hereby added to the Political Code, to be numbered three thousand seven hundred eighty-five *b*, and to read as follows:

Deed to purchaser

3785*b*. When property has been sold to a purchaser at delinquent tax sale, other than the State of California, in pursuance of section three thousand seven hundred seventy-one of this code, the tax collector must forthwith execute a deed to such purchaser, or his assigns, conveying said property; *provided*, no deed shall be delivered in any event until redemption has been made of such property and all taxes, penalties, interest and charges have been paid which may have been accrued by reason of any previous tax sale or delinquency. Said deed shall be in substance and may be in form as follows:

Form of deed

“*This indenture*, made the ----- day of -----, 19___, between -----, tax collector of the county of -----, State of California, first part, and-----, second party, witnesseth:

That whereas the real property hereinafter described was duly assessed for taxation in the year 19___ to ----- (stating name as on assessment roll) and was thereafter on the ----- day of -----, 19___, duly sold to ----- by -----, tax collector of said county of ----- for non-payment of delinquent taxes which had been legally levied in said year 19___, and were a lien on said real property, the total amount for which the same was sold being -----
And

Whereas, all taxes levied and assessed against said property prior to the year 19___ have been paid and discharged:

Now, therefore, the said first party in consideration of the premises, and in pursuance of the statute in such case made and provided does hereby grant to the said second party that certain real property in the county of -----, State of California, more particularly described as follows, to wit: * *

In witness whereof said first party has hereunto set his hand the day and year first above written.

-----,
Tax collector of the county of -----.”

No charge for deed

No other matters need be recited in the said deed than those provided for in the above form, whether the sale is made before or after this act takes effect. No charge shall be made by the tax collector for the making of any such deed, and the acknowledgment of all such deeds shall be taken by the county clerk free of charge. The provisions of sections three thousand seven hundred eighty-six and three thousand seven hundred

eighty-seven of this code are hereby made applicable to the deed herein provided for.

SEC. 5. Section three thousand seven hundred and eighty-seven of the Political Code is hereby amended to read as follows: Tax deed conclusive evidence.

3787. Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all other proceedings, from the assessment by the assessor, inclusive, up to the execution of the deed. Such deed conveys to the state the absolute title to the property described therein, free of all incumbrances, except any lien of taxes levied for municipal purposes, and except when the land is owned by the United States, or this state, in which case it is prima facie evidence of the right of possession, accrued as of the date of the deed to the state.

SEC. 6. Section three thousand eight hundred ninety-seven of the Political Code is hereby amended to read as follows:

3897. Whenever the state shall become the owner of any property sold for taxes and the deed to the state has been filed with the controller as provided in section three thousand seven hundred and eighty-five, the controller may thereupon by a written authorization direct the tax collector of the county or city and county to sell the property or any part thereof as

in his judgment he shall deem advisable in the manner following: He must give notice of such sale by first publishing a notice for at least three successive weeks in some newspaper published in the county or city and county, or if there be no newspaper published therein, then by posting a notice in three conspicuous places in the county or city and county, one of which shall be at the United States post office nearest the land, in addition to a notice conspicuously posted on the land itself for the same period. Such notices must state specifically the place of and the day and hour of sale and shall contain a description of the property to be sold and shall also contain a detailed statement of all the delinquent taxes, penalties, costs, interest, and expenses up to the date of such sale and shall give the name of the person to whom the property was assessed for each year on which there may be delinquent taxes against said property or any part thereof and said notice shall also embody a copy of the authorization received from the controller. It shall be the duty of the tax collector to mail within five days after the publication of said notice of sale a copy of said notice, postage thereon prepaid and registered, to the party to whom the land was last assessed next before the sale, at his last known post office address. At the time set for such sale, the tax collector must sell the property described in the controller's authorization and said notices, at public auction to the highest bidder for cash in lawful money of the United States; but no bid shall be received or accepted at such sale for less than the amount of all the taxes levied upon such property and all costs and penalties for every year delinquent as shown by the delinquent rolls for said years to the date of the execution of the deed to the state, and all expenses accrued

Sale of property sold to state for taxes.

Publication of notice.

Copy mailed to last owner.

Sale to highest bidder.

When property may be sold for less than taxes and penalties.

Expense of notice.

When advertising may be at county expense.

Distribution of moneys received at sale.

to the date of the sale under this section, together with interest at seven per cent per annum from the first day of July following delinquency in each of said years to the date of the sale hereunder, computed upon the aggregate amount of such delinquent taxes, penalties and costs: *provided, however*, that if the board of supervisors of the county, or city and county, in which any such property is situate, shall, by resolution entered upon their minutes, declare that, in their judgment, the property so owned by the state, and particularly described in said resolution, is not at that time of value great enough that it can be sold by the state for a sum equal to the amount of all taxes levied upon said property, and all interests, costs and penalties and expenses up to the date of such sale, and that it would be to the best interest of the state to sell the said property for a sum to be stated in said resolution less than the sum above named, upon receipt of a copy of said resolution, certified by the clerk of said board of supervisors, the state controller may thereupon, by written authorization, direct the tax collector of the county, or city and county, to sell the said property so described in said resolution for a sum not less than the sum stated in said resolution, together with the expenses of sale. The expense of giving the notice herein required shall be a charge against the property so advertised, and shall be collected by the collector, and no redemption of such property before said sale may be had without payment of such cost of advertising; and to secure the payment of such advertising cost the collector shall demand in advance from the party or parties seeking to purchase, a deposit with said officer of a sum sufficient to defray such cost of advertising, which deposit shall be forfeited in the event said party or parties fail or refuse to purchase at such sale: *provided*, that if the party or parties so depositing fail to secure such property on their bid, such deposit shall be returned, and such advertising cost shall be collected from the successful purchaser; *provided, also*, that if the board of supervisors of the county, or city and county, in which the property is situated shall by resolution entered upon the minutes, direct the tax collector to apply for an authorization of sale of any property which has been deeded to the state, and shall authorize him to order the necessary advertising to be done at county expense, the tax collector shall thereupon proceed as though a deposit had been made to cover advertising costs, and shall add a proportionate part of the total expense of advertising to the amount of taxes, penalties and interest chargeable against each tract or parcel sold. In any case in which no sale is made, the advertising shall be charged and paid as are other county charges.

SEC. 7. Section three thousand eight hundred ninety-eight of the Political Code is hereby amended to read as follows:

3898. 1. The moneys received from such sale shall be distributed as follows: the tax collector shall deduct the penalties, costs and other amounts received as expenses of such sale in such cases as the property so sold shall have been sold for a

sum not less than the amount of all taxes levied thereon and all interest, costs, penalties and expenses up to the date of such sale, but where the property so sold shall have been sold for a sum less than said amount, the tax collector shall deduct only the amounts received as expenses attending such sale, and the balance shall be distributed between the state and the county, or city and county, in the proportion that the state rate bears to the county, or city and county, rate of taxation; said tax collector shall pay all amounts into the county treasury, and the treasurer shall account to the state for its portion in the settlement required by section three thousand eight hundred sixty-five and section three thousand eight hundred sixty-six.

2. On receiving the amount bid, as prescribed in the preceding section, the tax collector must execute a deed to the purchaser, which deed shall be in substance and may be in form as follows:

Deed to purchaser.

"This indenture, made the ----- day of -----, 19___, Form. between -----, tax collector of the county of -----, State of California, first party, and -----, of the county of -----, State of -----, second party, witnesseth:

That whereas, the real property hereinafter described was duly sold and conveyed to the State of California for the non-payment of taxes which had been legally levied and which were a lien upon said property under and in accordance with law; and

Whereas, in conformity with law the State of California, acting by and through -----, tax collector as aforesaid, did offer said property, hereinafter described, for sale at public auction to the highest bidder, at which sale said second party became the purchaser of the whole thereof for the sum of \$-----.

Now, therefore, the said first party in consideration of the premises and in pursuance of the statute in such case made and provided, does hereby grant to the said second party, his heirs and assigns, that certain real property hereinbefore referred to, and situate in the ----- county of -----, State of California, more particularly described as follows, to wit:

* * * * *

In witness whereof, said first party has hereunto set his hand the day and year first above written.

Tax collector of the county of -----."

No other matters need be recited in the said deed than those provided for in the above form. No charge shall be made by the tax collector for the making of any such deed, and the acknowledgment of all such deeds shall be taken by the county clerk free of charge. Said deed shall be prima facie evidence of all the facts recited therein and shall operate to convey all of the interest of the state in and to said property.

No charge for deed.

3. Within ten days after each sale as provided in the preceding section the tax collector shall report to the assessor and

Tax collector's report of sales.

recorder, giving the name or names of all persons to whom deeds have been issued under the provisions of this section, together with the dates of such deeds, the amount for which the property was sold, a description of the property conveyed, together with the numbers and dates of the certificates of sale and of the tax deeds by which title to such property so granted was conveyed to the state.

Recorder's notations.

4. The recorder shall note on the margin of each certificate of sale and of each tax deed involved in the sale and transfer of such property, the name of the purchaser, the date of the deed to the purchaser and the consideration named therein. The assessor shall use such report in his determination of the ownership of such property for assessment purposes.

Refund to purchaser not finally awarded property.

5. Whenever, in any action at law, it shall be determined by a court that the sale and conveyance provided for in this and the preceding section are void for any reason and that the purchaser from the state may not be finally awarded the property so purchased, no decree of the court shall be given declaring a forfeiture of the property until the former owner, or other party in interest, shall have repaid to the purchaser the full amount of taxes, penalties and costs paid out and expended by him, to be determined by the court, in pursuit of the state's title to the property so sold. The said purchaser may also present a claim against the county, in the manner provided by law, for a refund of the amount paid into the county treasury as the purchase price of such property in excess of the amount for which he may have been reimbursed for taxes, penalties, and costs as herein provided, and such excess shall be refunded in accordance with section three thousand eight hundred four of this code.

CHAPTER 300.

An act to amend the Political Code of the State of California by adding a new section thereto, to be numbered three thousand, five hundred twenty-four, providing for the re-issuing of patents to swamp and overflowed lands, where the original patent has been lost or destroyed, and not of record in the county where the land is situate.

[Approved June 10, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be numbered three thousand five hundred twenty-four, and to read as follows:

Issuance of duplicate patent for swamp lands.

3524. When the original patent to swamp and overflowed land of the State of California has been lost or destroyed, and is not of record in the county where the land is situate, and no duplicate or copy thereof is in the office of the secre-

tary of state or in the office of the register of the state land office, a patent is authorized to be issued to the original purchaser for the same land, as other patents are issued, when it is proven to the satisfaction of the register of the state land office of the State of California from the data in the office of the secretary of state of said state, or in the office of the register of the state land office, that an original patent has been lawfully issued to the original purchaser, and from other satisfactory proof that the same has been lost or destroyed, and is not of record in the recorder's office of the county in which the land is situated. The patent so reissued shall have the same force and effect as the original patent, and shall contain the clause "This patent is issued to take the place of the original patent issued for the same land, on the (give date of original patent, and by whom issued), and is not intended to change the title of the persons in whom said land is now vested and only to complete the record title from the State of California." The register of the state land office shall collect the same fee therefor as in issuing original patents.

Sec. 2. Any person having a vested interest in any swamp and overflowed land, covered by a patent lost or destroyed, and not of record in the county where the land is situated, in order to obtain the reissuing of the patent as provided in section 1, must make an affidavit and file the same in the office of the register of the state land office of this state, setting forth that he has a vested interest in the land, or a part thereof, to which he makes application for a patent to be reissued from the State of California, and must also state in the affidavit the chain of title from the original patentee to and including the present owners of the land described in the original patent.

Affidavit
of owner.

CHAPTER 301.

An act providing for the designation of money in the state treasury as surplus money, authorizing the investment and reinvestment of such money in certain classes of bonds, directing the disposal of interest or premium received therefrom and permitting the subsequent sale or exchange of the bonds so purchased.

[Approved June 10, 1913. In effect August 10, 1913.]

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

SECTION 1. Any money in the state treasury which shall have been designated as surplus money under the provisions of this act may in the manner hereinafter provided be invested in bonds of any of the following classes:

Investment of
surplus
money
in state
treasury.

(a) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the

United States are pledged for the payment of principal and interest;

(b) Bonds of this state, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest;

(c) Bonds of any county, city and county, city or school district of this state.

Designation of surplus money.

Maximum.

SEC. 2. The state treasurer, and the members of the state board of control shall at such times as they deem necessary, or upon request in writing of the state treasurer, meet and determine whether any portion of the money then in the state treasury is not necessary for immediate use, and if so, the amount thereof, which amount shall thereupon be designated as "surplus money;" *provided, however,* that the amount so fixed and determined as surplus money shall not at any time be in excess of seventy-five per cent of the least amount of money shown by the records in the treasurer's office to have been in the state treasury at the end of any day's transactions during the twelve months' period next preceding compiled in accordance with the provisions of section six hundred seventy-five of the Political Code. Upon the unanimous approval of said state officials, there shall be spread upon the minutes of the state board of control at each such meeting a resolution designating the amount of money so determined by them to be surplus money within the meaning of this act, and thereupon the state board of control shall proceed to invest the same in the purchase of bonds of any of the classes described in section one of this act.

Sale or exchange of bonds purchased.

Interest paid into "bond investment fund."

SEC. 3. Any bonds purchased or held under the provisions of this act may be sold or exchanged for other bonds of any of the classes described in section one of this act, and the money received from any such sale may be reinvested by the state board of control in the purchase of any such bonds; *provided,* that no such sale or exchange shall be made at a price which will result in a net loss to the state; *and provided, further,* that any interest or premium collected or received by the state from any bonds purchased or held under the provisions of this act shall be credited by the state treasurer to a fund to be known as the "bond investment fund" which fund is hereby established. The state treasurer shall semi-annually, on the last days of June and December, transfer one half of the amount then in said fund to the general fund, and shall transfer one half of the amount then in said fund to the state school land fund.

Certain funds not affected.

SEC. 4. This act shall not be construed as affecting the method of investing the state school land fund, the estates of deceased persons fund, the dissolved savings bank fund, or the sinking funds under the control of the state treasurer, and the laws relating thereto shall remain in full force and effect.

CHAPTER 302.

An act to amend section five hundred and ninety-eight of the Civil Code, relating to the selling, mortgaging, aliening, encumbering or granting of the real property of religious, social and benevolent corporations.

[Approved June 10, 1913. In effect August 10, 1913.]

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

SECTION 1. Section five hundred and ninety-eight of the Civil Code is hereby amended to read as follows:

598. Before selling, mortgaging, aliening, encumbering or granting its real property, or any part thereof, except a burial plot situated in grounds dedicated to burial purposes, a corporation organized under this title must first make it appear that the same is for its interest to the satisfaction of the superior court of the county wherein said real property is situated. To this end said corporation shall file with the clerk of said court a verified petition, describing the property affected, showing that the selling, mortgaging, aliening, encumbering, or granting of said property is for its interest, and praying that leave therefor be granted. Thereupon the court shall make an order reciting that said leave has been prayed for, describing the property affected, and fixing a time and place for the hearing of the petition. Thereafter copies of said order shall be kept posted conspicuously for a period of ten days at the following places: (1) on the real property affected; (2) at the place where the court is held; (3) at any other public place in said county where the said court shall direct. At the time set for the hearing the court must require proof that said notice has been faithfully given; and any member may appear and oppose or support the granting of the leave. If satisfied that it is for the interest of said corporation, said court shall thereupon grant said leave, and may authorize the said corporation to sell and convey its said property and to incur indebtedness and secure the same by deed of trust or mortgage upon its said real property; *provided, however*, that any such corporation shall have the power by resolution, entered upon the minutes of such corporation, to grant easements to municipal or other public corporations for public street, alley or highway purposes and rights of way for publicly owned utilities and public uses, upon the approval of the superior court of the county wherein the real property of such corporation is situated, obtained in the same manner as herein provided for the selling, mortgaging, aliening or encumbering of its said property.

Selling,
etc., real
property
of religious
corpora-
tions.

Hearing
on peti-
tion.

Power to
grant
easements

CHAPTER 303.

An act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered six hundred four a, providing for the formation of religious corporations.

[Approved June 10, 1913. In effect August 10, 1913]

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

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

Formation
of religious
corpora-
tions.

604a. For the administration of the temporalities, and for the management of the property and estate of any church, diocese, synod, or district or other organization of such church, or for the administration of the temporalities, and for the management of the property and estate of any religious society or order, community, or other organization of said religious society or order, any church, diocese, synod, or other organization of such church, or any community or other council, or other organization of any such religious society or order, or of any community or other organization of such religious society or order, may elect directors and become an incorporation in the manner prescribed in this title, and with all the powers and duties and for the uses and purposes in this title provided for benevolent or religious incorporations, and subject to all the limitations and provisions in said title prescribed, except as otherwise provided in this section; *provided*,

Directors

By-laws.

that directors of any such incorporation may be elected and by-laws for its government may be made and amended in accordance with the constitution, by-laws, discipline, rules and regulations of such church, diocese, synod, or district or other organization of such church, or in accordance with the constitution, by-laws, discipline, rules and regulations of such religious society or order, or of any community, or other organization of such religious society or order, at any meeting; *and provided*, the certificate of incorporation and of the election of directors to be filed shall be sufficiently attested by the signatures of the presiding officer, president, or other head, and acting secretary of such church, diocese, synod or other organization of such church, or of the community or other council, or other organization of such society or order, and that the limitations of section five hundred ninety-five shall not apply to corporations formed under this section when land is held or used for churches, hospitals, schools, colleges, asylums, or parsonages. Every corporation formed pursuant to the provisions of this section shall have power to contract in the same manner and to the same extent as a natural person, and may sue and be sued, and may defend in all courts and places in all matters and proceedings whatsoever, and shall have authority to borrow money, give promissory notes therefor, and secure the payment thereof by mortgage or other lien upon

Attesting
certifi-
cate of
incorpora-
tion.

Powers.

property, real or personal, and may buy, sell, lease, mortgage and deal in real and personal property in the same manner that a natural person may, subject, however, to the provisions of section five hundred and ninety-eight of this code; and may receive bequests and devises for its own use, or upon trusts, to the same extent as a natural person, subject, however, to the provisions of section thirteen hundred thirteen of the Civil Code of the State of California, and may appoint attorneys in fact.

CHAPTER 304.

An act to amend section one thousand three hundred and sixty-six of the Code of Civil Procedure of the State of California relating to the order of persons entitled to administer.

[Approved June 10, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one thousand three hundred and sixty-six of the Code of Civil Procedure of the State of California is hereby amended to read as follows: Persons entitled to administer

1366. Of several persons claiming and equally entitled to administer, relatives of the whole blood must be preferred to those of the half blood.

CHAPTER 305.

An act to amend section seven hundred and fifty-two of the Political Code, relating to the fees to be collected by the clerk of the supreme court.

[Approved June 10, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 752 of the Political Code of the State of California is hereby amended to read as follows:

752. The clerk of the supreme court must collect in advance the following fees: For filing the transcript on appeal, in each civil case appealed to the supreme court, ten dollars, in full of all services rendered in each case up to the rendering of the judgment or the issuing of the remittitur, when no petition for a rehearing has been filed; for filing a petition for a rehearing, and for all services to the issuing of remittitur to the court below, two dollars and fifty cents; for filing motion to dismiss appeal on clerk's certificate, two dollars and fifty cents; for filing petitions for writs of mandate, review, prohibition, and other original proceedings, seven dollars and fifty cents, in full for all services rendered in each case; for filing order extending time to file transcript, fifty cents; for certificate of admission as attorney and counselor, ten dollars; for filing each paper in writs of error to the supreme court of the United States, twenty-five cents; for making record in writs of error Fees collected by clerk of supreme court.

to the supreme court of the United States, and for copies of any record or document in his office, per folio, ten cents; but this fee shall not be taxed against parties to suit for any paper or copy of paper up to and including remittitur; for comparing any document requiring a certificate, per folio, five cents; *provided*, that where the document to be compared was printed or typewritten from the same type or at the same time as the original on file, and has been corrected in all respects to conform therewith, such charge shall be one cent per folio; for each certificate under seal, one dollar. He shall administer oaths for verification of claims against the state without charge. For all other services not herein specified he must charge and collect the same fees as are prescribed by law for similar services by notaries public.

CHAPTER 306.

An act to amend sections one, two, three, four, six, eight and nine of an act entitled "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, and repealing conflicting acts.

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one of an act entitled "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded." approved March 15, 1907, is hereby amended to read as follows:

Section 1. Whenever any tract or subdivision of land shall be laid out into lots for the purpose of sale, the owner or owners thereof shall cause to be made out and filed with the county recorder of the county in which the same is situated, an accurate map or plat thereof on cloth, drawn and attested to by a civil engineer or licensed surveyor from his own survey of the ground. Said engineer or surveyor shall, in making the surveys, leave sufficient permanent monuments so that another surveyor or engineer may retrace his work. The nature and location of these monuments shall be plainly shown on the map. The map shall also particularly set forth and describe:

First—All parcels of ground within such tract or subdivision used for public purposes or offered for dedication for public uses, whether they be intended for public highways, parks, courts, commons or other public uses, and their dimensions and boundaries and the courses of their boundary lines.

Map of subdivisions to be filed with county recorder.

Ground for public uses.

Second—All lots intended for sale, or reserved for private purposes and not offered for dedication to the public use, either by number or letter, and their dimensions and boundaries and the courses of their boundary lines. All parcels of land offered for dedication as public highways and not accepted by the proper authorities upon presentation to them, shall also be designated by number or letter. Lots for sale.

Third—The exact location of such tract or subdivision of land into lots with reference to adjacent subdivisions of land into lots, the maps or plats of which have been previously recorded, if any, or if none, then with reference to corners of a United States survey, or to some natural or artificial monument. Location of tract.

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

Section 2. Every such map or plat shall be on cloth and clearly and legibly drawn in all its details upon tracing cloth of good quality. The size of the sheets of drawing cloth must be 18 by 26 inches or 13 by 18 inches. Marginal lines must be drawn around the entire sheet, leaving a margin of one inch from the edges of the sheets, and the name, title, or other designation, and all drawings, affidavits, certificates, acknowledgments, indorsements, acceptances of dedication, and notarial seals must be within said marginal lines. The scale which the drawing is made must be large enough to show the details clearly, and two or more sheets must be used if one does not give sufficient room to accomplish this end. If more than one sheet is used, each sheet must be numbered, connections of one sheet to another clearly given and the number of the sheets used in the subdivision must be given in the affidavit. Map on cloth.
Sive.
Scale.

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

Section 3. Upon every such map or plat there shall be indorsed a consent to the making thereof, signed by the owner or owners of the tract or other subdivision of land shown thereon, and also by all other persons whose consent is necessary to pass a clear title to such land, and acknowledged by all the signers in the same manner as conveyances of real property; also a certificate from the county auditor, and from the auditor or other proper officer of any municipal corporation in which any part of such tract or other subdivision is situated, showing that there are no liens for unpaid state, county, municipal or other taxes, except taxes not yet payable, against said tract or subdivision of land or any part thereof; also a certificate of the clerk of the board of supervisors that a bond has been filed with said board as provided herein; and the owner or owners of any tract, or other subdivision of land shown thereon, shall execute and file with the board of supervisors of the county wherein such tract, or subdivision, or any part thereof, is situated, a good and sufficient bond to be approved by and in an amount to be fixed by said board of supervisors and by its terms made to inure to the benefit of the county wherein such Consent of owners.
Certificate of auditor.
Bond.

tract, subdivision, or any part thereof, is situate, and conditioned for the payment of all taxes which are at the time of filing thereof, a lien against any such tract, or subdivision, or any part thereof, but not yet payable. Upon every such map or plat which shows any parcels of land intended for public use and not previously dedicated therefor, there shall be indorsed a statement of the dedication of such parcels of ground intended for public use, executed by the owner or owners, and by all other persons whose consent is necessary to pass a clear title to such parcels of ground to the public, and acknowledged by all persons executing the same in the same manner as conveyances of real property.

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

Section 4. The map or plat so made, indorsed and acknowledged shall be submitted to the governing body of the city, city and county, or county having control of public highways in the territory shown on such map or plat, for the approval of such governing body, before such map or plat is filed for record in the recorder's office. Such governing body, after examination duly made, shall approve or disapprove such map or plat within thirty days after the same is submitted to it as above provided. If approved, the governing body shall indorse, or cause to be indorsed, on said map or plat its approval of the same. Without such approval the said map or plat shall not be filed for record or be recorded. Such governing body may require the public highways, if any, offered for dedication by said map or plat and the parcel or parcels of land, if any, therein reserved or indicated for highway or right of way purposes, and not offered for dedication to public use, to be as wide as and to conform, as near as practicable, to the adjoining, surrounding or neighboring streets or highways of said city, city and county, or county. If such map or plat offer for dedication any highways said governing body shall indorse thereon which of the highways so offered for dedication are accepted on behalf of the public, and thereupon such highways which have been so accepted, and no others, shall be and become dedicated to the public use.

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

Section 6. No map or plat referred to in this act shall be accepted by the county recorder for filing or recording, unless the same shall in all respects comply with the provisions of this act, and the recorder shall be entitled, before accepting or refusing such map or plat, to sufficient time to enable him to examine the same.

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

Section 8. No person shall sell or offer for sale any lot or parcel of land, by reference to any map or plat, unless such map or plat has been made, certified, indorsed, acknowledged and filed in all respects as provided in this act, or was filed or

Land intended for public use.

Approval of city or county authorities.

Width of highways.

Highways accepted.

Map must comply with this act.

No sale of lots before filing map.

recorded prior to the taking effect of this act and in accordance with the laws in force at the time it was so filed or recorded, and no person shall sell or offer for sale any lot or parcel of land by reference to any map or plat other than such recorded map or plat or true and correct copy thereof.

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

Section 9. Every person who violates any of the provisions of this act is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty-five dollars and not more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment, and the recordation of any map or plat which is not executed and approved as herein required shall be null and void; *provided, however,* that any owner or owners of any such tract or subdivision, who prior to the taking effect of this act caused to be prepared proper maps or plats thereof in conformity with the provisions of the act mentioned in section one hereof, and thereafter, through inadvertence or excusable neglect, failed to record the same prior to conveying lots shown thereon, may, within one year after this act takes effect, petition the superior court of the county wherein such land is situate for an order permitting such map or plat to be filed and recorded as in said act provided; and the court may, upon the hearing of such petition, if satisfied that good cause exists therefor, make such order. A copy of the petition shall be served upon the county recorder at least ten days prior to such hearing, and a certified copy of such order, if any be made, shall be filed with the map. Penalty.
Owners failing to file map may petition court for permission to file.

SEC. 8. An act entitled, "An act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purpose of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded," approved March 9, 1893, and all acts and parts of acts in conflict with this act, are hereby repealed. Repealed.

CHAPTER 307.

An act to amend an act entitled "An act to provide for the management and control of the state agricultural society by the state," approved April 15th, 1880.

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. Section five of an act entitled "An act to provide for the management and control of the state agricultural

society by the state," approved April 15, 1880, is hereby amended to read as follows:

Powers of
state
board of
agricul-
ture.

Section 5. The state board of agriculture shall be charged with the exclusive management and control of the state agricultural society as a state institution; shall have possession and care of its property, and be intrusted with the direction of its entire business and financial affairs. They shall define the duties of the secretary and treasurer, fix their bonds and compensation, and shall have power to make all necessary changes in the constitution and rules of the society; to adapt the same to the provisions of this act, and to the management of the society, its meetings, and exhibitions. They shall provide for an annual fair or exhibition by the society of all the industries and industrial products of the state, at the city of Sacramento; *provided*, that in no event shall the state be liable for any premium awarded or debt created by said board of agriculture; *provided*, further, that the collections and receipts from other sources than state appropriations shall be reported monthly by the secretary to the controller of state and shall be paid into the state treasury. Such receipts shall be credited to the state agricultural society contingent fund, which is hereby created, and shall be for the use of the society.

Receipts.

CHAPTER 308.

An act to amend an act entitled "An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an act entitled 'An act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith," approved March 23, 1907, by adding thereto a new section, to be numbered thirteen, relating to the collection of fees.

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. An act entitled "An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of

this act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an act entitled 'An act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith," approved March 23, 1907, is hereby amended by adding thereto a new section to be numbered thirteen and to read as follows:

SEC. 13. All fees collected under section three of this act and all other fees, collections and receipts of all kinds coming into the possession of the board of examiners in veterinary medicine shall be reported, at the beginning of each month, for the preceding month, to the controller of state, and at the same time the entire amount of such collections shall be paid into the state treasury and shall be credited to a fund to be known as the contingent fund of the board of examiners in veterinary medicine. All salaries and expenses of every kind incurred by the board of examiners in veterinary medicine shall be paid out of said contingent fund upon claims to be presented and audited in the usual manner.

Fees paid
into state
treasury
each
month.

CHAPTER 309.

An act to amend sections 1, 3, 8, 20 and 21 of an act approved March 23, 1901, and entitled "An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an act now in force relating to the same and known as 'An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885;" to repeal sections 13 and 21 of said act; also to amend sections 10, 12, 11 and 19 of said act as amended by an act approved March 20, 1903; also to amend section 21½ of said act as added thereto by said act approved March 20, 1903; and also to amend section 15 of said act of March 23, 1901, as amended by an act approved March 6, 1907; all relating to the board of dental examiners of California and the regulation of the practice of dentistry in the State of California, approved April 6, 1909.

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 14 of "An act to amend sections 1, 3, 8, 20 and 21 of an act approved March 23, 1901, and entitled

'An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an act now in force relating to the same and known as "An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885;' to repeal sections 13 and 24 of said act; also to amend sections 10, 12, 14 and 19 of said act as amended by an act approved March 20, 1903; also to amend section 21½ of said act as added thereto by said act approved March 20, 1903; and also to amend section 15 of said act of March 23, 1901, as amended by an act approved March 6, 1907; all relating to the board of dental examiners of California and the regulation of the practice of dentistry in the State of California," approved April 6, 1909, is hereby amended so as to read as follows:

License to
practice
dentistry.

Fee.

Annual
fee.

Failure
to pay
license
fee.

Use of
renewal
fees.

Monthly
report of
collections.

Section 14. Before any person can practice dentistry in this state, he shall obtain a license to do so from the board of dental examiners. Each application shall be accompanied by a fee of twenty-five (\$25.00) dollars, which shall in no case be refunded. Such license shall be good until the following first day of May when it shall expire by limitation. An annual license fee of two (\$2.00) dollars shall thereafter be paid annually by every person practicing dentistry in this state, and it shall be the duty of said board to issue to all regularly licensed dentists upon application and the payment of \$2.00, if made before the expiration of the applicant's license, a new license which shall entitle said person to practice dentistry in this state for a period of one year, and which license shall expire upon the following first day of May. Said board shall have no authority to issue an annual license to any person who is not a regularly licensed dentist, and who has not paid such license fee of \$2.00 on or before the date when his previous license expired. Every person who was a regularly licensed dentist and who failed to pay said annual license of \$2.00 before the expiration of his license, shall be considered as if no license had ever been issued to him, and before he can again practice dentistry in this state, shall make a new application therefor as in the first instance and pay the regular fee of \$25.00 therefor, except that he shall not be required to submit to any examination. All renewal fees collected under the provisions of this section, or an amount equal to the total of such collections, shall be used exclusively for the prosecution of violators of this act and for expenses of collecting said fees. It shall be the duty of the secretary of this board to report to the state controller on or before the tenth day of each month all fees, fines, licenses and other collections received during the preceding month and at the same time to pay the entire amount of such receipts into the state treasury. Such receipts shall be placed to the credit of the state board of dental examiners contingent fund, which is hereby created. All salaries and all expenses necessarily incurred by the board

in the transaction of its business and in the enforcement of the law shall be paid out of such contingent fund upon claims to be presented and audited in the manner usual with other claims against the state.

CHAPTER 310.

An act conveying to the city of Vallejo certain tide lands and lands of the State of California lying under inland navigable waters within the boundaries of the said city, situate in the Napa creek, the Mare island straits and the straits of Carquinez, including the right to wharf out therefrom to the city of Vallejo, in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof.

[Approved June 11, 1913. In effect August 10, 1913.]

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

Tide lands held in trust.

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

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

State may not alienate.

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

Conveyance to city of Vallejo.

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

SECTION 1. There is hereby granted and conveyed to the city of Vallejo, a municipal corporation, in the county of Solano, State of California, and to its successors, all the right, title and interest of the State of California held by said state by virtue of its sovereignty in and to all the tide lands and lands lying under inland navigable waters within the boundaries of the present city of Vallejo, situate in the Napa creek, the Mare Island straits and the Straits of Carquinez, lying and being between the line of mean high tide and the pier head line in said straits, as the same has been or may hereafter be established by the federal government, and the right to wharf out therefrom to the city of Vallejo, to be forever held by said city

Tide lands conveyed to Vallejo.

Purposes
for which
used.

Franchises
for public
uses.

Reserva-
tion for
belt line
railroad,
etc.

Persons
now in
possession
may lease.

and by its successors in trust for the uses and purposes and upon the expressed conditions following to wit: That said lands shall be used by said city and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, for a term not exceeding twenty-five years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be for any and all purposes which shall not interfere with navigation or commerce, with revision to the said city on the termination of said lease or leases of any and all improvements thereon, and on such other terms and conditions as the said city may determine, but for no purpose which will interfere with navigation or commerce; subject also to a reservation in all such leases or such wharfing out privileges of a street, or of such other reservation as the said city may determine for a belt line railroad or other railroad where the same may be deemed necessary by the said city; and such other reservations as the city may require, and for sewer outlets, and for gas and oil mains and water mains, and for hydrants, and for electric cables and wires, and for such other conduits for municipal purposes, and for such public and municipal purposes and uses as may be deemed necessary by the said city; *provided, however*, that each person, firm or corporation or their heirs, successors or assigns now in possession of land or lands within the boundaries of the said city of Vallejo as hereinbefore firstly described, situate in the Napa creek, the Marc Island straits and the Straits of Carquinez, and lying and being between the line of mean high tide and the pier head line in said straits, as the same has been or may hereafter be established by the federal government, shall have a right to obtain a lease for a term of twenty-five years from said city of said land and wharfing out privileges therefrom with a right of renewal for a further term of twenty-five years pursuant to the provisions of this act and on such terms and conditions as said city may determine and specify, and said renewed lease may be terminated at any time by mutual

agreement of the city and the lessee, on such just and reasonable terms for compensation for improvements as may be mutually agreed upon. Upon obtaining such lease and wharfing out privileges such person, firm or corporation, their heirs or assigns, shall quitclaim to said city any right they or any of them may claim or have to the said lands hereby granted. This grant shall carry the right to such city of the rents, issues and profits in any manner hereafter arising from the lands or wharfing out privileges hereby granted. The State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands or any part thereof, for any vessel or other watercraft, or railroad, owned or operated by the State of California. No discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors in the management, conduct or operation of any of the utilities, structures or appliances mentioned in this section. There is hereby reserved in the people of the State of California the right to fish in the waters on which said lands may front with the right of convenient access to said waters over said lands for said purpose.

Profits to city.

No discrimination in rates.

Right to fish reserved.

SEC. 2. The foregoing conveyance is made upon the condition that the city of Vallejo shall, within five years from the approval of this act, exclusive of such time as said city may be restrained from so doing by injunction issued out of any court of this state or of the United States, and exclusive of such further delay as may be caused by unavoidable misfortune or great public or municipal calamity, cause to be expended for harbor improvement purposes an amount not less than twenty-five thousand (\$25,000) dollars. If said harbor improvement work be not done and if said amount be not expended for harbor improvement as herein provided, then the lands by this act conveyed to the city of Vallejo shall revert to the State of California.

Conveyance made on condition that harbor be improved.

CHAPTER 311.

An act to provide for the consolidation of municipal corporations.

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. Municipal corporations situated in the same county may be consolidated in accordance with proceedings had and taken under the provisions of this act. Whenever municipal corporations are proposed to be consolidated under the provisions of this act, the one of such municipal corporations which has the greatest population as shown by the last federal census, or, in the event that any of said municipal corporations shall have been incorporated subsequent to the taking of the

Consolidation of municipal corporations.

last federal census, the one of such municipal corporations which has the largest number of electors, as shown by the registration of electors of the county in which such municipal corporations are situated, shall, for the purpose of this act, be deemed to have the greatest population.

Petition.

SEC. 2. Whenever a petition, signed by not less than one-fourth in number of the qualified electors of any municipal corporation, as shown by the registration of electors of the county in which such municipal corporation is situated, is filed with the legislative body thereof, asking that such municipal corporation and any other municipal corporation contiguous thereto, designated in such petition, and having a greater population, be consolidated, such legislative body must, without delay call a special election and submit to the electors of such municipal corporation the question whether such municipal corporations shall be consolidated. Such legislative body shall

Election.

Notice by publication.

cause notice to be given of such election by the publication of a notice thereof, in a newspaper of general circulation, if any such there be, printed and published in such municipal corporation so proposed to be consolidated with such other municipal corporation. at least once a week for a period of four successive weeks next preceding the date of such election. If there be no such newspaper, then such legislative body shall cause notice of such election to be given by the publication thereof in a newspaper of general circulation, printed and published in the county in which such municipal corporation is situated, and by posting such notice in three public places in such municipal corporation, at least four weeks prior to such election. Such notice shall distinctly state the proposition to be submitted, the names of the municipal corporations proposed to be consolidated, and the date of such election, which date shall be within twenty days after the expiration of the publication of such notice. Such notice shall direct the electors to vote upon the question of such proposed consolidation in the manner hereinafter provided. Such legislative body is hereby empowered to, and it shall be its duty, to establish, and in such notice to designate, the voting precinct or precincts and the place or places at which the polls will be open for such election, which place or places shall be that or those commonly used as voting places in the municipal corporation in which such election is held, if any such there be. The legislative body of such municipal corporation is hereby empowered to, and it shall

Voting precincts.

Election officers.

Ballot.

appoint the officers of such election, who shall be, for each voting place, two judges and one inspector, each of whom shall be a qualified elector of the voting precinct in which he or she is appointed to act as an officer of such election. Upon the ballot to be used at such election, there shall be printed the words, "Shall the cities of (giving names of municipal corporations proposed to be consolidated) be consolidated?" And opposite such proposition to be voted upon, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If an elector shall stamp

a cross (X) in the voting square after the printed word "Yes" the vote of such elector shall be counted in favor of such consolidation; and if an elector shall stamp a cross (X) in the voting square after the printed word "No," the vote of such elector shall be counted against such consolidation. The ballots used at such election, the opening and closing of the polls, and the holding and conducting of such election, shall be in conformity, as near as may be, with the general laws of this state concerning municipal elections, except as herein otherwise provided. The judges and inspector of such election for each polling place shall, immediately on the closing of the polls, count the ballots, make up, certify and seal the ballots and tally sheets of the ballots cast at their respective polling places, doing so, as nearly as practicable, in the manner provided in the laws of this state relating to general elections, and they shall thereupon deliver the ballots, tally sheets, and returns to, and deposit the same with the clerk of the legislative body of the municipal corporation in which such election was held. Such legislative body shall, at the time provided for its regular meeting next after the expiration of three days from and after the date of said election, meet and proceed to canvass said returns; and such canvass shall be completed at such meeting, if practicable, and in any event, as soon as practicable, avoiding adjournment or adjournments, until said canvass is completed. Immediately upon the completion of such canvass, said legislative body shall declare the result of such election and shall cause a record thereof to be made and entered upon its minutes, stating the proposition submitted, and showing the whole number of votes cast thereon in such municipal corporation, the number of votes cast therein in favor of consolidation, and the number of votes cast therein against consolidation.

Count of ballots.

Canvass of returns.

Declaration of result.

SEC. 3. If it shall appear from the canvass of the returns of the election mentioned in section two of this act, that a majority of all the votes cast in the municipal corporation in which such election was held, upon the question of consolidation submitted at such election, are in favor of such consolidation, the clerk of the legislative body of such municipal corporation, shall forthwith make, under the seal thereof, and deliver to the clerk of the legislative body of the other of the municipal corporations proposed to be so consolidated, to wit, the municipal corporation having the greater population, a copy in duplicate of the record of such canvass, together with a statement of the proposition submitted at such election. The clerk of the legislative body of such municipal corporation so having the greatest population shall present one such copy of said record and said statement to such legislative body without delay, and retain the other to be filed as hereinafter provided. Upon receiving the copy of such record so presented such legislative body must then submit to the electors of such other of the municipal corporations so proposed to be consolidated and having the greatest population, the question whether such consolidation shall be effected. Such question

Should majority favor.

Question submitted to larger city.

may be so submitted at the next general municipal election to be held in such municipal corporation, or it may be so submitted prior to such general election, either at a special election called therein for that purpose, or at any other special municipal election therein, except an election at which the submission of such question is prohibited by law. Whenever such question is submitted at any election in such municipal corporation, such question shall be stated in the notice of such election and on the ballots to be used at such election, and the electors shall vote thereon, in the same manner as hereinbefore provided in the case of the election mentioned in section two of this act. And whenever such question is submitted at any such municipal election, general or special, as provided in this section, it shall be submitted and voted upon as other questions are required by law to be submitted and voted upon at such elections, except in particulars otherwise in this act set forth; and the laws applicable to and governing the time and manner of giving notice, conducting, holding, canvassing the returns, and declaring the result of any such election shall apply to and govern the submission of such question to the electors of such municipal corporation at any such election.

Declara-
tion of
result.

SEC. 4. Immediately upon the completion of the canvass of the returns of any election in the municipal corporation having the greater population of two municipal corporations proposed to be consolidated, at which the question of such consolidation was submitted, as provided in section three of this act, the legislative body of such municipal corporation having the greater population shall declare the result of such election, and shall cause a record to be made and entered upon its minutes, stating the proposition submitted, and showing the total number of votes cast in such municipal corporation upon the question of such consolidation at such election, the number thereof cast in favor of consolidation, and the number thereof cast against consolidation. If it shall appear from the canvass of the returns of such election, that a majority of the qualified electors of such municipal corporation, voting on the question of such consolidation, are in favor thereof, the clerk or other officer performing the duties of clerk of the legislative body of such municipal corporation shall promptly make and certify, under the seal thereof, and transmit to the secretary of state, a copy of the record of the canvass of the returns of the election in such municipal corporation having the greater population, at which the question of such consolidation was submitted, and entered upon its minutes as aforesaid, and one copy thereof delivered to him as aforesaid, of the record of the canvass of the returns of the election in the other of the municipal corporations proposed to be consolidated, together with a statement showing the date of each such election in each such municipal corporation, and the time and the result of the canvass of the returns of each such election. Said document shall be filed in his office by the secretary of state immediately upon receipt thereof. Upon

Should
majority
favor.

Filed
with sec-
retary of
state.

the filing of said document in the office of secretary of state, such consolidation shall be deemed to be complete and such municipal corporations shall be deemed to be consolidated, and the one of such municipal corporations not having the greatest population, shall be deemed to be, and shall be, annexed and joined to and merged into the one of said municipal corporations having the greatest population.

SEC. 5. Whenever any two municipal corporations are proposed to be consolidated, under the provisions of this act, and the one of such municipal corporations having the greatest population shall have theretofore incurred, or authorized the incurring of, any bonded indebtedness for the acquisition, construction or completion of any municipal improvement or improvements, the petition provided for in section two of this act may contain a request that the question to be submitted to the electors of the municipal corporation whose legislative body receives such petition shall be, whether such municipal corporations shall be consolidated, as hereinbefore in this act provided, and the property in the municipal corporation not having the greatest population, shall after such consolidation, be subject to taxation, equally with the property in such other municipal corporation designated in such petition and having the greatest population, to pay any such bonded indebtedness to be specified in said petition, of such other municipal corporation, outstanding at the date of such consolidation, or theretofore authorized. If such request be made in such petition, proceedings shall be had thereon and the question of such consolidation shall be submitted to the electors in such municipal corporation not having the greatest population, the same in all respects as upon a petition presented under the provisions of section two, excepting that the notice of election shall, in addition to the matters required by said section, distinctly state that it is proposed that the property in such municipal corporation not having the greatest population shall be taxed to pay such bonded indebtedness of such other municipal corporation having the greater population so outstanding or authorized at the date of such consolidation, equally with the property within such other municipal corporation. The said notice shall, in addition, distinctly specify the improvement or improvements for which such indebtedness was so incurred or authorized, and state the amount or amounts of such indebtedness already incurred, outstanding at the date of the first publication of such notice, and the amount or amounts of such indebtedness theretofore authorized, and to be represented by bonds thereafter to be issued, and the maximum rate of interest payable, or to be payable on such indebtedness.

Question of taxation to pay bonded indebtedness.

Notice to specify improvements.

The returns of such election held in pursuance of such notice shall be canvassed, as provided in section two of this act, by the legislative body of the municipal corporation in which such election was held, and immediately upon the completion of such canvass, such legislative body shall declare

Canvass of returns.

the result of such election and shall cause a record of such canvass to be made and entered upon its minutes, as provided in said section two, and there shall be included in such record a statement of such bonded indebtedness of the one of the municipal corporations proposed to be consolidated having the greater population incurred and outstanding, or authorized, as set forth in the notice of such election, for the payment of which the property in the municipal corporation in which such election was held, shall be subject to taxation as set forth in the notice of such election. If it shall appear from such canvass that two thirds of all votes cast at such election upon the question of such consolidation, are in favor thereof, the clerk of such legislative body in which such election was held shall forthwith deliver a copy in duplicate of such record and statement to the clerk of the legislative body of the other of the municipal corporations so proposed to be consolidated, and having the greatest population. Thereupon the question of such consolidation shall be submitted to the electors of such other municipal corporation at an election therein, and in the same manner in all respects as provided in section three of this act. And upon the canvass of the returns of such election, if it shall appear therefrom, that a majority of the votes cast at such election in such other municipal corporation having the greater population, upon the question of such consolidation, are in favor thereof, the same proceeding shall be had as provided in section four of this act, and such consolidation shall be deemed to be, and shall be, completed in the same manner, and with the same effect as in said section provided. After the completion of the consolidation of such municipal corporations, as hereinbefore provided, the property in the one of such municipal corporations so consolidated, not having the greater population, shall thereafter be taxed equally with the property in the one of such municipal corporations having the greater population and that originally incurred, or authorized the incurring of the bonded indebtedness specified in the petition for such consolidation.

SEC. 6. Nothing in this act contained shall be construed to prevent the submission to the electors of any municipal corporation having a greater population than either of the other municipal corporations proposed to be consolidated therewith, as separate propositions to be voted upon separately at one and the same election in the municipal corporation so having the greater population, of the questions of the consolidation therewith of two or more such other municipal corporations, each of which is contiguous to such municipal corporation having the greatest population. Whenever, upon proceedings had and taken, and at elections called and held in accordance with the provisions of this act, the electors of each of two or more such other municipal corporations have voted in favor of the consolidation thereof with the same municipal corporation, having the greatest population, the legislative body of such municipal corporation must submit to the electors thereof,

Should two thirds favor.

Question submitted to larger city.

After consolidation property taxed.

Questions of consolidation with more than one city may be separately submitted in larger city.

as separate propositions, each to be voted upon separately and without regard to any of the others, the question whether each such other municipal corporation shall be consolidated with such municipal corporation so having the greatest population. Such questions may be so submitted at the next general municipal election to be held in such municipal corporation, or they may be so submitted prior to such general election, either at a special election called therein for that purpose, or at any other special election therein, except an election at which the submission of such questions is prohibited by law. The notice of such election shall state, as separate propositions to be submitted at such election, the question of the consolidation of each such other municipal corporation, in the same manner as hereinbefore provided in the case of the notice of an election in such municipal corporation at which the question of the consolidation of only one other municipal corporation therewith is submitted; and the question, as to each such other municipal corporation, shall be printed upon the ballots to be used at such election and the same shall be voted upon, separately, in like manner as hereinbefore provided in the case of the submission of the question of the consolidation therewith of one such other municipal corporation. The provisions of this act shall apply to the holding and conducting of such election in all respects the same as in the case of an election when only one such question is submitted; *provided, however*, that the consolidation of such municipal corporation having the greatest population and any other municipal corporation or corporations, upon the question or questions of which consolidation a majority of votes cast thereon at such election shall have been cast in favor thereof, shall not be affected or prejudiced in any manner, in the event that a majority of the votes cast at such election upon the question or questions of the consolidation of such municipal corporation having the greatest population and any other municipal corporation or corporations shall have been cast against such consolidation. If it shall appear from a canvass of the returns of such election, that a majority of the qualified electors of such municipal corporation having the greatest population, voting separately upon the question of the consolidation of the same and any one or more other municipal corporations are in favor thereof, the clerk or other officer performing the duties of clerk of the legislative body of such municipal corporation having the greatest population shall promptly make and certify, under the seal thereof, and transmit to the secretary of state, a copy of the record of the canvass of the returns of the election in such municipal corporation having the greatest population at which the questions of such consolidations were submitted, and entered upon its minutes as aforesaid, and one of the copies, delivered to him as aforesaid, of the record of the canvass of the returns in each of the other municipal corporations proposed to be consolidated, together with a statement showing the date of the elections in such municipal corporations and in each such other municipal corporation proposed to be consolidated therewith,

When submitted.

Notice.

Consolidation with one not affected by rejection of another.

Should majority favor.

Consolidation completed on filing of document.

Only one petition for consolidation may be presented at one time.

Smaller municipal corporations consolidated deemed dissolved.

and the time and result of the canvass of the returns of such elections; *provided, however*, that the aforesaid record and statement as to any number of such consolidations may be included in one document. Upon the filing of said document in the office of the secretary of state, each such consolidation shall be deemed to be, and shall be complete, and each municipal corporation so consolidated with the municipal corporation having the greatest population, shall be deemed to be, and shall be consolidated with, annexed and joined to and merged into the one of such municipal corporations having the greatest population.

SEC. 7. Whenever a petition for the consolidation of any two municipal corporations has been received by the legislative body of one of them as in section two of this act provided, no other petition asking for the consolidation of the municipal corporation, whose legislative body received such petition, to any other municipal corporation shall be presented to the legislative body of such municipal corporation, and such legislative body shall not submit the question of the consolidation of such municipal corporation to any other municipal corporation, until the question of the consolidation of the municipal corporation whose legislative body received the petition first in this section mentioned shall have been submitted to the electors residing therein, and a majority of electors voting upon such question in such municipal corporation, shall have voted against such consolidation; or, in the event that a majority of the electors of such municipal corporation shall have voted in favor of such consolidation, until the question of such consolidation shall have been submitted to the electors of the one of such municipal corporations having the greater population and a majority of the electors of such last mentioned municipal corporation voting upon such question, shall have voted against such consolidation.

SEC. 8. Upon the completion of the consolidation, under the provisions of this act, of one or more municipal corporations with another municipal corporation having a greater population than any of the municipal corporations so consolidated therewith, each such municipal corporation so consolidated, other than the municipal corporation having the greatest population shall *ipso facto* be deemed to be and shall be dissolved and disincorporated, and any freeholders' charter thereof shall be deemed to be, and shall be surrendered and annulled. In the event that the one of any municipal corporations consolidated under the provisions of this act, having the greatest population, is governed under a freeholders' charter framed and adopted under the authority of the constitution of this state, and the other municipal corporation or corporations so consolidated therewith, shall be deemed to be, and shall be merged therein and shall be thereafter governed in the name of, and under the freeholders' charter of, and as a part of, such municipal corporation having the largest population; and in the event that the one of any municipal corporations, consolidated under the provisions of this act, having the greatest

population, shall be incorporated and organized as a municipal corporation under the general laws of the state providing for the organization, incorporation and government of municipal corporations, the other municipal corporation or corporations so consolidated therewith shall be deemed to be, and shall be, merged therein and shall be thereafter governed in the name of, and as a part of the municipal corporation having the greatest population, which shall continue as a municipal corporation of the class, under such laws, to which such municipal corporation so having such greatest population belonged at the time of such consolidation; *provided, however*, that nothing herein contained shall be construed to prevent any such consolidated municipal corporation, so governed under a freeholders' charter from framing and adopting a new charter, after such consolidation, or to prevent any such consolidated municipal corporation so governed as a municipal corporation under said general laws, from changing its class under such laws or from framing or adopting a freeholders' charter for its government, after such consolidation.

New
charter
may be
framed.

SEC. 9. Whenever municipal corporations are consolidated under the provisions of this act, the one of such municipal corporations having the greatest population shall be deemed and taken to be, and shall be the successor of each of the other municipal corporations consolidated therewith; and the title to any property owned or held by each such other municipal corporation, or in trust therefor, or by any officer or board thereof, in trust or otherwise for public use, shall upon such consolidation being completed, as hereinbefore provided, *ipso facto* be vested in the one of such municipal corporations so consolidated having the greatest population, or in such officer or board thereof as has the power to hold, or control, such property under the freeholders' charter or other law under which the one of such municipal corporations so consolidated having the greatest population was theretofore governed. Upon the completion of such consolidation, all persons then occupying or possessing the several offices of, or under the government of, each of the several municipal corporations so consolidated, other than that of the municipal corporation having the greatest population, shall immediately quit and surrender the occupancy or possession of such offices, which shall thereupon cease and terminate, and they shall severally forthwith deliver all moneys, funds, books, papers, archives and records in their custody, and all other property of such municipal corporations respectively, in their hands, or under their control, to the proper officers of such municipal corporation so consolidated having the greatest population.

Larger
city suc-
cessor of
others.

Officers of
smaller
cities to
surrender
offices.

SEC. 10. That any consolidation of municipal corporations effected under the provisions of this act shall not affect any debts, demands, liabilities or obligations of any kind existing in favor of or against any such municipal corporations so consolidated, at the time of such consolidation, or any action or proceeding then pending in any court in which any such

Obliga-
tions not
affected.

Ordinances
of smaller
cities
repealed.

Cases in
courts
trans-
ferred.

Repeal
not to
affect
vested
rights.

Ordinances
of larger
city have
full force.

Taxation
to pay
indebted-
ness only
according
to Sec. 5.

Indebted-
ness of
smaller
cities.

debt, demand, liability or obligation of any kind may be involved, or any action or proceeding brought by or against any such municipal corporation prior to such consolidation; but all such proceedings shall be continued and concluded, by final judgment or otherwise, in all respects the same as if such consolidation had not been effected. All ordinances of any municipal corporations consolidated under the provisions of this act, except those of the one having the greater or greatest population, shall immediately, upon such consolidation being effected, be deemed to be repealed and of no further force and effect; *provided, however*, that such repeal shall not operate to discharge any person, from any liability, civil or criminal, then existing, nor to affect any prosecution then pending for any violation of any such ordinances; and all cases then pending in any justices' court, police court or court of any recorder, or other judicial municipal magistrate or officer of any of the municipal corporations so consolidated, except of the one having the greater or greatest population, shall, upon such consolidation being effected, *ipso facto* be deemed to be and be transferred to the justices' court, police court or court of any recorder, or other judicial municipal magistrate or officer of the one of such municipal corporations having the greater or greatest population which has jurisdiction of proceedings or misdemeanors or of other actions civil or criminal of the character so transferred; *provided, further*, that such repeal shall not apply to ordinances under which vested rights have accrued, or to ordinances relating to proceedings for street or other public improvements, or to proceedings for opening, extending, widening or straightening streets or other public places, or to proceedings for changing the grade thereof, all of which proceedings shall be continued and conducted by and under the authority of the municipal corporation so consolidated having the greater or greatest population, with the same force and effect as if continued and conducted by and under the authority of the municipal corporation by which they were commenced. And all ordinances of the one of the municipal corporations consolidated under the provisions of this act having the greater or greatest population, shall, upon the completion of such consolidation, *ipso facto* have full force and effect in and throughout the consolidated municipal corporations.

SEC. 11. That no property in any of the municipal corporations consolidated under the provisions of this act shall ever be taxed to pay any portion of any indebtedness or liability of any of the other such municipal corporations, contracted or incurred prior to or existing at the time of such consolidation, unless the proceedings for such consolidation shall have been had in accordance with the provisions of section five of this act, in which event the property in such municipal corporations shall be taxed as provided in said section. The legislative body of the one of the municipal corporations consolidated under the provisions of this act, having the greater or greatest population, shall provide for the payment of the indebtedness or liability of each of the other municipal corporations consolidated there-

with, and shall levy and collect the necessary taxes therefor, and for that purpose, and for all other purposes, such greater or greatest in population of any municipal corporations consolidated under the provisions of this act, and its officers, shall be deemed the successor and successors of such other municipal corporations so consolidated therewith and their respective officers.

SEC. 12. In the event that the greater or greatest in population of any municipal corporations, consolidated under the provisions of this act, shall be operating under a freeholders' charter, which charter shall at any time provide that a borough or boroughs may be established in any territory, or incorporated city or town, annexed to or joined to or consolidated with such municipal corporation, nothing in this act contained shall prevent or be construed to prevent any other municipal corporation, or any portion thereof so consolidated with the municipal corporation so operating under such freeholders' charter, from becoming a borough under such freeholders' charter, to be established and governed as therein provided.

Borough government.

SEC. 13. All proper expenses of proceedings for the consolidation of municipal corporations under this act, shall, if such consolidation be made and completed, be paid by the consolidated municipal corporation; and if such consolidation be not completed, each municipal corporation shall pay the expenses of calling and holding any election within such corporation at which the question of such consolidation was submitted.

Expenses of proceedings.

SEC. 14. This act shall in no wise affect an act entitled "An act to provide for the annexation of municipal corporations," approved March 11, 1899, or acts amendatory to said act, and this act shall not apply to proceedings had or taken thereunder, but is intended to and does provide an alternative method for the consolidation of municipal corporations. When any proceedings for the consolidation of municipal corporations are commenced under this act, the provisions of this act, and of such amendments thereof as may hereafter be adopted, and none other, shall apply to such proceedings. This act may be designated and referred to as the "Municipal Annexation Act of 1913."

Act of 1899 not affected.

Title of act.

CHAPTER 312.

An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof, and for the districting, government and municipal control of such annexed territory.

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. The boundaries of any municipal corporation may be altered and new territory annexed thereto, incorpo-

Alteration of city boundaries.

rated and included therein, and made a part thereof, upon proceedings being had and taken as in this act provided.

City council to call election.

SEC. 2. The legislative body of any municipal corporation, upon receiving a written petition therefor, signed as herein-after provided, containing a description of the new territory proposed to be annexed to such municipal corporation, and asking that such territory be annexed thereto, must, without delay, call a special election, and submit to the electors residing in the territory proposed by such petition to be annexed to such municipal corporation the question whether such territory shall be annexed to, incorporated in and made a part of such municipal corporation. Such petition shall be signed by not less than one fourth in number of the qualified electors residing within the territory described therein, as shown by the registration of voters of the county in which such territory is situated. Such legislative body is hereby empowered to, and it shall be its duty to cause notice to be given of such election by the publication of a notice thereof in a newspaper of general circulation, if any such there be, printed and published outside of such municipal corporation, but in the county in which the territory so proposed to be annexed is situated, at least once a week for a period of four successive weeks next preceding the date of such election. If there be no such newspaper, then such legislative body shall cause notice of such election to be given by the posting thereof in three public places within the territory so proposed to be annexed at least four weeks next preceding the date of such election. Such notice shall distinctly state the date of such election, and the proposition to be submitted, to wit, that it is proposed to annex to, incorporate in, and make a part of such municipal corporation the territory sought to be annexed, specifically describing the boundaries thereof. In addition to said description, such territory shall also be designated in such notice by some appropriate name or other words of identification, by which such territory may be referred to and indicated upon the ballots to be used at any election at which the question of such annexation is submitted as in this act provided. The electors in such territory shall be directed by such notice to vote upon such question in the manner hereinafter set forth in this section. Such legislative body is hereby empowered, and it shall be its duty to establish, and in such notice of election to designate, the voting precinct or precincts and the place or places at which the polls will be open for such election in such territory so proposed to be annexed, which said place or places shall be that or those commonly used as voting places within such territory, if any such there be. The legislative body of such municipal corporation is empowered to, and it shall, appoint the officers of such election, who shall be, for each voting place in such territory, two judges and one inspector, each of whom shall be a qualified elector of the voting precinct in which he is appointed to act as an officer of such election. Upon the ballots to be used at such election, there

Petition.

Notice of election.

Date and proposition.

Voting precincts.

Election officers.

Ballots.

shall be printed the words "Shall (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to the city of (stating name of city)?—Yes," and "Shall (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to the city of (stating name of city)?—No," and there shall be a voting square to the right of and opposite each such proposition. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," the vote of such elector shall be counted in favor of the annexation of the territory referred to in such proposition to the municipal corporation named therein; and if an elector shall stamp a cross (X) in the voting square after the printed word "No", the vote of such elector shall be counted against such annexation. The ballots used at such election, the opening and closing of the polls, and the holding and conducting of such election, shall be in conformity, as near as may be, with the laws of this state concerning general elections, except as herein otherwise provided. The judges and inspector of such election for each polling place shall immediately on the closing of the polls, count the ballots, make up, certify and seal the ballots and tally sheets of the ballots cast at their respective polling places, doing so, as nearly as practicable, in the manner provided in the laws of this state relating to general elections, and they shall thereupon deliver the ballots, tally sheets, and returns to and deposit the same with the clerk of the legislative body of such municipal corporation. Such legislative body shall, at the time provided for its regular meeting next after the expiration of three days from and after the date of said election, meet and proceed to canvass said returns; and such canvass shall be completed at such meeting, if practicable, and in any event, as soon as practicable, avoiding adjournment or adjournments, until said canvass is completed. Immediately upon the completion of such canvass, said legislative body shall cause a record thereof to be made and entered upon its minutes, stating the proposition submitted and showing the whole number of votes cast thereon in the territory proposed to be annexed, the number of votes cast therein in favor of annexation, and the number of votes cast therein against annexation.

Count of ballots.

Canvass of returns.

SEC. 3. If it shall appear from the canvass of the returns of the election held in the territory proposed to be annexed to any municipal corporation, as provided in section two of this act, that a majority of all the votes cast in such outside territory on the question of such annexation are in favor of annexation, such legislative body must then submit to the electors of such municipal corporation the question whether such territory shall be annexed to, incorporated in and made a part of such municipal corporation. Such question may be so submitted at the next general municipal election to be held in such municipal corporation, or it may be so submitted prior to such general election, either at a special election called therein for that pur-

Should majority in outside territory favor.

Question submitted in city.

pose, or at any other special municipal election therein, except an election at which the submission of such question is prohibited by law. Whenever such question is submitted at any election in such municipal corporation, such question shall be stated in the notice of such election and on the ballots to be used at such election, and the electors shall vote thereon, in the same manner as hereinbefore provided in the case of the election in the territory proposed to be annexed. And whenever such question is submitted at any such municipal election, general or special, as above provided, it shall be submitted and voted upon as other questions are required by law to be submitted and voted upon at such elections, except in particulars otherwise in this act set forth; and the laws applicable to and governing the time and manner of giving notice, conducting, holding, canvassing the returns, and declaring the result of any such election shall apply to and govern the submission of such question to the electors of such municipal corporation at any such election.

Record of
votus cast.

SEC. 4. Immediately upon the completion of the canvass of the returns of any election in any municipal corporation at which the question of annexation of new territory thereto was submitted, as in this act provided, the legislative body of such municipal corporation shall cause a record to be made, and entered upon its minutes, showing the total number of votes cast in such municipal corporation upon such question at such election, the number thereof cast in favor of annexation, and the number thereof cast against annexation. If it shall appear from the canvass of the returns of such election, that a majority of the qualified electors of such municipal corporation voting on the question of such annexation are in favor thereof, the clerk or other officer performing the duties of clerk of the legislative body of such municipal corporation shall promptly make and certify, under the seal thereof, and transmit to the secretary of state, a copy of the record of the canvass of the returns of the election in such new territory and of the election in such municipal corporation at which the question of the annexation of the same new territory was submitted, and entered upon its minutes as aforesaid, together with a statement showing the dates of such elections in said new territory and in said municipal corporation, and the time and the result of the canvass of the returns of such elections, and containing a description of such territory. Said document shall be filed by the secretary of state immediately upon the receipt thereof. From and after the date of the filing of said document in the office of the secretary of state, the annexation of such territory so proposed to be annexed and described therein, shall be deemed to be and shall be complete, and thenceforth such annexed territory shall be, to all intents and purposes, a part of such municipal corporation, except only that no property within such annexed territory shall ever be taxed to pay any portion of any indebtedness or liability of such municipal corporation contracted prior to or existing at the time of such annexation, excepting as hereinafter provided. No territory

Should
majority
favor.

Annexa-
tion com-
plete.

which, at the time of the presentation of a petition to the legislative body of any municipal corporation for the annexation of such territory thereto forms any part of any municipal corporation, shall be annexed under the provisions of this act.

Territory of a city may not be annexed.

SEC. 5. Whenever any municipal corporation to which it is proposed to annex territory under the provisions of this act shall have incurred, or authorized the incurring of, any bonded indebtedness for the acquisition, construction or completion of any municipal improvement or improvements, the petition presented to the legislative body of such municipal corporation, as provided in section two of this act, may contain a request that the question to be submitted to the electors residing in the territory proposed by such petition to be annexed to such municipal corporation, shall be, whether such new territory shall be annexed to, incorporated in, and made a part of, said municipal corporation, and the property therein be, after such annexation, subject to taxation, equally with the property within such municipal corporation, to pay any such bonded indebtedness of such municipal corporation, outstanding at the date of such annexation or theretofore authorized. If such request shall be made in said petition, proceedings shall be had thereon, and an election shall be called and held in the territory proposed to be annexed, the same in all respects as upon a petition presented under the provisions of section two of this act, excepting that the notice of election shall distinctly state the proposition to be submitted, to wit: that it is proposed to annex to, incorporate in, and make a part of, such municipal corporation, the territory sought to be annexed, specifically describing the boundaries thereof, and that the property therein, shall, after such annexation, be subject to taxation, equally with the property within such municipal corporation, to pay such bonded indebtedness of such municipal corporation, outstanding at the date of the said annexation, or indebtedness theretofore authorized and to be represented by bonds of such municipal corporation thereafter to be issued. The said notice shall, in addition, distinctly specify the improvement or improvements for which such indebtedness was so incurred or authorized, and state the amount or amounts of such indebtedness already incurred, outstanding at the date of the first publication of such notice, and the amount or amounts of such indebtedness theretofore authorized, and to be represented by bonds thereafter to be issued, and the maximum rate of interest payable, or to be payable on such indebtedness; and upon the canvass of the returns of the votes cast in any territory proposed to be annexed at any election held therein under the provisions of this section, if it shall appear that two thirds of all the votes cast in such outside territory are in favor of annexation, the legislative body of such municipal corporation shall submit to the electors thereof the question whether such territory shall be annexed to, incorporated in and made a part of such municipal corporation. Such question may be so submitted to the electors of such municipal corporation in the same manner as provided in section three of this act, and if it shall

Question of taxing annexed territory to pay indebtedness of city.

Proposition submitted.

Notice to specify improvements, etc.

Should two thirds favor.

appear from the canvass of the returns of the election in such municipal corporation at which such question shall have been submitted, that a majority of the qualified electors thereof voting upon the question of such annexation are in favor thereof, like proceedings shall thereupon be taken, and with the same force and effect as provided in sections three and four of this act. The provisions of sections two, three and four of this act, so far as applicable, shall apply to annexation under the provisions of this section. From and after the date of the filing in the office of the secretary of state of a copy of the record of the canvass of the returns of the election in such new territory and of the election in such municipal corporation at which the question of the annexation of the same new territory was submitted under the provisions of this section, and entered upon the minutes of the legislative body of such municipal corporation, as hereinbefore in this act provided, together with a statement showing the dates of such elections in said new territory and in such municipal corporation, and the time and result of canvass of the returns of such elections, the annexation of such territory so proposed to be annexed and described therein, shall be deemed, and shall be, complete, and thenceforth such annexed territory shall be, to all intents and purposes a part of such municipal corporation, and the property within such annexed territory shall be taxed to pay the bonded indebtedness or liability of such corporation, specified in said notice, equally with the property within such municipal corporation as it existed prior to such annexation.

Annexation deemed complete.

Questions of annexing two or more outside bodies may be submitted at one election.

SEC. 6. Nothing in this act contained shall be construed to prevent the submission to the electors of any municipal corporation as separate propositions to be voted upon separately at one and the same election therein, of the questions of the annexation to any such municipal corporation of two or more bodies of outside territory, each of which is contiguous to such municipal corporation, but no one of which is contiguous to any of the others. Whenever, upon proceedings had and taken and at elections called and held in accordance with the provisions of this act, the electors of each of two or more such bodies of outside territory have voted in favor of the annexation thereof to the same municipal corporation, the legislative body of such municipal corporation must submit to the electors thereof, as separate propositions, each to be voted upon separately and without regard to the others, the question whether each such bodies of new territory shall be annexed to, incorporated in and made a part of such municipal corporation. Such questions may be so submitted at the next general municipal election to be held in such municipal corporation, or they may be so submitted prior to such general election, either at a special election called therein for that purpose, or at any other special election at which the submission of such questions is [not] prohibited by law. The notice of such election shall state, as separate propositions to be submitted at such election, the question of the annexation of each body of new territory, in the same manner as hereinbefore provided in the case of the notice of an election in such

Notice to state separate propositions.

municipal corporation at which the question of the annexation of only one body of new territory thereto is submitted; and the question as to each such body of new territory, shall be printed upon the ballots to be used at such election and the same shall be voted upon, separately, in like manner as hereinbefore provided in the case of the submission of the question of the annexation of one body of such new territory. The provisions of section three of this act shall apply to such election in all respects the same as in the case of an election where only one such question is submitted; *provided, however*, that the annexation of any such body or bodies of new territory, upon the question or questions of the annexation of which a majority of the votes cast thereon at such election shall have been cast in favor thereof, shall not be affected or prejudiced in any manner, in the event that a majority of the votes cast at such election upon the question or questions of the annexation of any other body or bodies of new territory, shall have been cast against the annexation thereof.

Annexation of one body not affected by rejection of another

If it shall appear from the canvass of the returns of such election, that a majority of the qualified electors of such municipal corporation voting separately upon the question or questions of the annexation of any one or more bodies of new territory, are in favor thereof, the clerk or other officer performing the duties of clerk of the legislative body of such municipal corporation, shall forthwith make and certify, under the seal thereof, and transmit to the secretary of state, a copy of the record of the canvass of the returns of the election in each such body of new territory, at which the electors residing therein shall have voted in favor of the annexation thereof to such municipal corporation, as hereinbefore provided, and of the canvass of the returns of the election in such municipal corporation at which the questions of the annexation of each such body of new territory were submitted, and entered upon its minutes as aforesaid, together with a statement showing the date of the elections in each such body of new territory, and in such municipal corporation, and the time and result of the canvass of the returns of such elections; *provided, however*, that the aforesaid record and statement as to any number of such annexations may be included in one document. From and after the date of the filing of said document in the office of the secretary of state, the annexation of each body of new territory described therein, and so proposed to be annexed shall be deemed to be, and shall be complete, and thereafter each such body of annexed territory shall be, to all intents and purposes, a part of such municipal corporation, with the same force and effect as in the case of other annexations under this act.

Should majority in city favor.

Annexation complete.

SEC. 7. Whenever a petition for the annexation of any new territory to any municipal corporation has been received by the legislative body thereof, as in this act provided, no petition asking for the annexation, in whole or in part, of the territory described in such petition, to any other municipal corporation, shall be presented to the legislative body of such

Only one petition for annexation of same territory at one time

other municipal corporation, and the last mentioned legislative body shall not submit the question of the annexation of such territory or any part thereof to the electors of such other municipal corporation, until the question of the annexation thereof to the municipal corporation whose legislative body received the petition first in this section mentioned shall have been submitted to the electors residing in such territory, and a majority of electors voting upon such question in such territory, shall have voted against the annexation thereof to such municipal corporation, or, in the event that a majority of the electors in such territory voting therein shall have voted in favor of the annexation thereof to such municipal corporation, until the question of such annexation shall have been submitted to the electors of such municipal corporation, and a majority of the electors thereof voting upon such question, shall have voted against the annexation thereof to such municipal corporation.

Adding
territory
to wards
of city.

SEC. 8. The legislative body of any municipal corporation which is or shall be divided into wards, and to which territory has been heretofore or shall be hereafter annexed, under the provisions of this act, must by ordinance either so alter the boundaries of the wards of such municipal corporation as to include such annexed territory in one or more wards adjoining such annexed territory, or make of such annexed territory one or more additional wards; *provided*, that the number of wards shall not be so increased as to exceed the number which such municipal corporation may have according to law. In altering the boundaries of wards, or creating new wards, regard must be had to the number of inhabitants, so that each ward shall contain, as near as may be, an equal number of inhabitants, exclusive of persons ineligible to citizenship in this state.

Legislative
districts
not
affected.

SEC. 9. Nothing in this act contained shall alter or affect the boundaries of any senatorial or assembly district.

Expenses.

SEC. 10. All proper expenses of proceedings for annexation of territory under this act, whether such annexation shall be made and completed or not, shall be paid by the municipal corporation so annexing or attempting to annex such territory. In the event that a tax for road purposes has been levied by the board of supervisors of any county against property situated in territory which, subsequent to such levy, is annexed to any municipal corporation under the provisions of this act, but which, at the time of such annexation has not been collected, then all such taxes so uncollected shall be and become the property of the municipal corporation to which such territory is annexed, and the same shall, with other county taxes, be collected by the county tax collector, and by him paid into the county treasury of said county, after which the same shall, by the county treasurer, be paid to such municipal corporation, upon proper warrant therefor. The town or city clerk, or other officer performing the duties of clerk of such municipal corporation, shall, at any regular meeting of the board of supervisors of said county, present, and file a

Road tax
uncollected
to belong to
city.

verified claim for any money thus due such municipal corporation, setting forth the fact, and the date of such annexation, and the amount in the hands of said county treasurer so due such municipal corporation. Such claim shall be audited by the board of supervisors in the manner in which other claims against the county are audited, and if the amount thereof is correct, the same shall be allowed, and the county auditor instructed to draw his warrant for said amount against the road fund of the district in which such annexed territory is situated. This section shall apply to all such taxes not paid into the county treasury prior to the taking effect of this act.

Applies to all taxes.

SEC. 11. This act shall in no wise affect an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, or acts amendatory to said act, and this act shall not apply to any proceedings had or taken thereunder, but is intended and does provide an alternative method for the annexation of territory to municipal corporations. When any proceedings for the annexation of territory to any municipal corporation are commenced under this act, the provisions of this act, and of such amendments thereof as may hereafter be adopted, and no other, shall apply to such proceedings. This act may be designated and referred to as the "Annexation act of 1913."

Act of 1889 not affected.

Title of act.

CHAPTER 313.

An act enabling the expenditure of moneys appropriated by an act entitled "An act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin, and Feather rivers of the State of California, as recommended in the special report of the California debris commission, dated June thirtieth, nineteen hundred seven, and made by John Bidelle, lieutenant colonel, corps of engineers, C. H. McKinstry, major, corps of engineers, and Thomas H. Jackson, corps of engineers of the United States army, and printed with the annual report of the chief engineer of the United States army, for the fiscal year ending June thirtieth, nineteen hundred seven, and making an appropriation for such work," approved March tenth, nineteen hundred nine, by removing certain conditions contained in and stipulated by said act.

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. Any and all moneys appropriated by an act entitled "An act to provide for the accomplishment of the

Money ap-
propriated
for im-
provement
of Sacra-
mento,
San Joa-
quin and
Feather
rivers
freed from
conditions

work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, as recommended in the special report of the California debris commission dated June thirtieth, nineteen hundred seven, and made by John Biddle, lieutenant colonel, corps of engineers, C. H. McKinstry, major, corps of engineers, and Thomas H. Jackson, corps of engineers of the United States army, and printed with the annual report of the chief engineer of the United States army for the fiscal year ending June thirtieth, nineteen hundred seven, and making an appropriation for such work," approved March tenth, nineteen hundred nine, are hereby made available for the purposes specified in said act; wholly free of the condition therein set forth that the United States government must first undertake said work or assume control or appropriate a specific sum of money therefor.

CHAPTER 314.

An act to provide for the planting, protection and care, and the removal and change, of shade trees and ornamental shrubs along and in public streets, avenues, lanes, alleys, courts and places within municipalities, and for the assessment of the costs and expenses thereof upon the lots, parts of lots and lands fronting on the public streets, avenues, lanes, alleys, courts or places where such work is to be done.

[Approved June 11, 1913. In effect August 10, 1913.]

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

Planting
trees, etc.,
on open
public
streets.

SECTION 1. All streets, avenues, lanes, alleys, courts and places within the municipalities of this state, now open or dedicated, or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, avenues, lanes, alleys, courts, and places for the purposes of this act, and the city council of each municipality of this state is hereby empowered to cause shade trees and ornamental shrubs to be planted, protected and cared for, and removed and changed, along and in said streets, avenues, lanes, alleys, courts and places, for which grades have been officially established, and which have been actually graded in conformity therewith, and is hereby invested with jurisdiction in order to be done thereon and therein any of the work mentioned in section two of this act in the manner and under the proceedings hereinafter described.

City coun-
cil given
authority.

SEC. 2. Whenever the public interest or convenience may require, the city council of any municipality of this state is hereby authorized and empowered to order shade trees and ornamental shrubs to be planted, protected, and cared for, and to be removed and changed, along and in the whole or any part of any such public street, avenue, lane, alley, court or

place in such municipality; also to order suitable guards, covering or grating for the protection of said trees and shrubs, and to order any other work to be done which shall be necessary to plant, protect and care for, and to remove and change, shade trees and ornamental shrubs along and in the whole or any part of any such public street, avenue, lane, alley, court or place in such municipality.

SEC. 3. Before ordering any improvement to be made which is authorized by section two of this act, the city council shall adopt a resolution declaring its intention to do so, briefly describing the proposed improvement, which may include the whole or any part of one or more such streets, avenues, lanes, alleys, courts or places in any such municipality. Said proposed improvement may include any or all of the different kinds of work mentioned in section two of this act; *provided, however*, that the care of said trees and shrubs shall be for a period stated in the resolution of intention, which shall not exceed five years; *and provided, further*, that it shall not be necessary to specify or describe in said resolution of intention the kind of trees or shrubs to be planted or removed or changed, their size or age or the method or manner of planting or removing or changing them. The city council shall also, in the same resolution, refer the proposed improvement to the city engineer, and direct him to make and file with the clerk of the city council a report in writing, presenting the following:

1. Plans and specifications for the work required in order to make said improvement, which shall include a specification of the kind of trees or shrubs to be used in and covered by the improvement, their approximate age, size and the general method or manner of making the improvement.

2. An estimate of the cost of said improvement, and of the incidental expenses in connection therewith.

3. A diagram, exhibiting the streets, avenues, lanes, alleys, courts and places, or the parts thereof, along and in which said improvement is proposed to be made, and showing the boundaries and frontage of the lots, parts of lots and lands fronting thereon, each of which subdivisions shall be given a separate number in red ink upon said diagram.

4. A proposed assessment of the total amount of the costs and expenses of the proposed improvement (including all incidental expenses) upon the lots, parts of lots and lands fronting upon the streets, avenues, lanes, alleys, courts and places, or parts thereof, along and in which said improvement is to be made, at a rate per front foot sufficient to cover the total expenses of the improvement. Each subdivision shall be separately assessed in proportion to its frontage. Said assessment shall refer to said subdivisions upon said diagram by the respective red ink numbers thereof, and shall show the names of the owners, if known, otherwise designating them as unknown. No mistake in the name of the owner of any subdivision of land shall affect the validity of the assessment thereon.

Commis-
sion in tree
planting.

SEC. 4. In any municipality having a board, commission or officer in charge of tree planting, created by its charter or by law, the proposed improvement shall be referred to said board, commission or officer, and the report provided for in section three of this act shall be made and filed by said board, commission or officer.

Hearing
on report.

SEC. 5. Upon the filing of the report provided for in section three of this act, the said clerk shall present the same to the city council for consideration, and said council may modify the same in any respect, and, in case of any such modification, the report as modified shall stand as the report for the purpose of all subsequent proceedings. Thereafter, the council, by resolution, shall appoint a time and place for hearing protests in relation to the proposed improvement, which time shall not be less than twenty days from the date of the passage of said resolution, and shall direct the clerk of the city council to give notice of said hearing, and shall designate the newspaper in which such notice shall be published.

Notice of
local im-
provement
posted.

SEC. 6. After the passage of the resolution mentioned in section five of this act, the clerk of said city council shall cause to be conspicuously posted along all streets, avenues, lanes, alleys, courts and places, or parts thereof, included in said resolution of intention, at not more than three hundred feet in distance apart, notices (not less than three in all), of the passage of said resolution of intention and of the filing of said report. Said notices shall be headed "Notice of Local Improvement," in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said resolution of intention and of the filing of said report, and the date set for the hearing of said protests, and briefly describe the improvement proposed and refer to said resolution and report for further particulars. He shall also cause a notice similar in substance to be published for a period of two days in a daily newspaper published and circulated in said municipality and designated by said city council for that purpose, or if there is no daily newspaper in said municipality, then by two successive insertions in a weekly paper, so published, circulated and designated. Said notices must be posted and published, as above provided, at least ten days before the date set for the hearing of said protests. In case there is no daily or weekly newspaper published and circulated in said city, then said notice shall be posted in three of the most public places in such city at least ten days before the dates set for the hearing of said protest.

Publi-
cations.

Written
protests.

SEC. 7. Any person interested, objecting to said improvement, or to the proposed assessment provided for in section three hereof, may file a written protest with the clerk of the city council at or before the time set for the hearing referred to in section five hereof. The clerk shall indorse on every such protest the date of its reception by him, and at the time appointed for said hearing shall present to said city council all protests so filed with him. If such protests are against said

improvement, and said city council finds that the same are signed by the owners of a majority of the frontage of the property fronting on said proposed improvement. all further proceedings under said resolution of intention shall be barred and no new resolution of intention for the same improvement shall be passed within six months after the presentation of such protests to the city council, unless the owners of a majority of the frontage of the property fronting on said proposed improvement shall in the mean time petition therefor. If such protests are against the improvement, and the council finds that they are not signed by the owners of a majority of the frontage of the property fronting on said proposed improvement, the council shall hear said protests at the time appointed therefor, as above provided, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision shall be final and conclusive, and if such protests are sustained the proceedings shall be abandoned, but may be renewed at any time, and if such protests are denied, the proposed assessment shall be confirmed. If such protests are against the proposed assessment, the council shall hear said protests at the time appointed therefor, as above provided, or at any time to which the hearing thereof may be adjourned, and may confirm or correct said proposed assessment. When, upon the hearing, said proposed assessment is confirmed or corrected, or in case no protests are filed, the report provided for in section three hereof shall be adopted as a whole, with any modifications or corrections that have been made therein and the city council shall, by resolution, order said proposed improvement to be made, and declare its action upon said report and assessment, which resolution shall be final and conclusive on all persons, and the assessment shall be thereby levied upon the lots, parts of lots and lands fronting upon the streets, avenues, lanes, alleys, courts and places, or parts thereof, along and in which said improvement is to be made.

Hearing when less than majority protest.

SEC. 8. The validity of an assessment levied under this act shall not be contested in any action or proceeding unless the same is commenced within thirty days after the time said assessment is levied, and any appeal from a final judgment in such an action or proceeding must be perfected within thirty days after the entry of such judgment.

Validity of assessment.

SEC. 9. Upon the passage of the resolution provided for in section seven hereof, the clerk of said city council shall transmit to the tax collector of the municipality, the diagram and assessment provided for in subdivisions 3 and 4 of section three hereof, and any corrections thereof made by the city council.

Diagram to tax collector.

SEC. 10. Upon the receipt of the diagram and assessment referred to in the last preceding section, the tax collector of the municipality shall record the same in a substantial book, to be kept for that purpose, in his office, and shall thereupon fix a day not less than twenty, nor more than thirty, days from the date of the receipt by him of said diagram and assessment,

Diagram recorded.

Assess-
ments
delinquent

after which all assessments unpaid shall become delinquent and ten per cent shall be added to the amount thereof, and shall also fix a day for the sale of the various parcels of land upon which the assessments are unpaid, which said date shall be not less than fifty days nor more than sixty days from the date of the receipt by him of said diagram and assessment.

Notice of
sale.

SEC. 11. Notice of the sale of property upon which the said assessments are delinquent shall be given by said tax collector by posting and publication in the manner now provided by the general laws of the State of California, for giving notice of sale of real estate upon execution; *provided, however*, that the descriptions of the various parcels of land need not be set out at length, but only by the respective numbers of the same as they appear upon the assessment and diagram, which shall be properly referred to in said notice, and said descriptions shall all be contained in one notice. At the time and place fixed for the sale of said property, the tax collector shall separately sell the respective parcels of land, the assessments against which have not been paid, or so much of each parcel as shall be necessary to realize the amount assessed against said parcel, said ten per cent penalty for delinquency, and its proportion of the expenses of sale, in the order of their numbers upon said diagram. At said sale the municipality may be a purchaser.

Sale.

Certificate
of sale.

SEC. 12. The tax collector shall issue for each sale an original and a duplicate certificate of sale, referring to the proceedings, describing the parcel sold, and giving the name of the purchaser and the amount for which said parcel was sold. The original certificate he shall deliver to the purchaser, and the duplicate he shall keep on file in his office in the form of a stub in the certificate book.

Redemp-
tion of
property
sold.

SEC. 13. At any time before the expiration of one year from the date of the sale, any property sold under the provisions of the preceding sections may be redeemed by the payment to the tax collector of the amount for which the property was sold, with an additional penalty of twenty-five per cent of said amount. Said redemption money shall be paid by the tax collector to the person holding the original certificate of sale upon his delivering up the same and receipting for the amount received from the tax collector therefor. Upon redemption of any parcel of land the tax collector shall enter the fact and date of such redemption upon the duplicate certificate of sale thereof.

Deed after
one year.

SEC. 14. If the property is sold, and is not redeemed within said period of one year from the date of the sale, the tax collector shall execute to the person named in the original certificate, or to his assignee, a deed of the property described in said certificate, which said deed shall refer in general terms to the proceedings under which the same is issued, and shall contain a description of the property. Such deed shall convey title in fee to said property, and the grantee is imme-

diately, upon the receipt thereof, entitled to possession of the property described therein.

SEC. 15. The funds collected by the tax collector under the proceedings herein provided for, either upon voluntary payment, or as the result of sales, shall be paid by said tax collector as fast as collected to the treasurer of said municipalities, who shall place the same in a special fund designated by the city council, and payments shall be made out of said special fund only for the purposes provided for in this act. To expedite the making of any such improvement, the city council may at any time transfer into said special fund, out of any money in the general fund, such sums as it may deem necessary, and the sums so transferred shall be deemed a loan to such special fund and shall be repaid out of the proceeds of the assessments provided for in this act.

SEC. 16. At any time after the funds for the work, or any part of the work, shall be in the hands of said treasurer, the municipality shall itself execute and perform the work embraced in the plans and specifications contained in the report provided for in sections three and four of this act, in accordance with said plans and specifications, and employ the labor, and provide the nursery stock, material and supplies necessary therefor. The cost and expenses of such work shall be paid out of said special fund; and in case of a deficiency in the fund for such improvement, the city council, in its discretion, may provide for such deficiency by an appropriation out of the general fund of the treasury, or by ordering a supplementary assessment to be made upon the same property, in the same manner and form, and subject to the same procedure as the original assessment; and in the last named case, in order to avoid delay, the city council may advance such deficiency out of any money in the general fund of the treasury, and reimburse the treasury from the collections under such supplementary assessment. The work must be done under the supervision, direction and control of the board, commission or officer by whom the report provided for in section three of this act was made, and no work shall be paid for except upon the order and approval of said board, commission or officer.

SEC. 17. If at any time an assessment for any such improvement shall realize a larger sum than is necessary therefor, the excess shall be refunded pro rata to the parties by whom it was paid.

SEC. 18. Every special assessment levied under this act shall, from the date of the levy thereof, be a lien upon the land upon which it is levied paramount to all other liens, except prior assessments and taxation, and such lien shall continue until such special assessment is paid, or until the property is sold and a deed is made therefor to the purchaser as hereinbefore provided, and all parties shall have constructive notice of such lien from the date of the passage of the resolution referred to in section seven hereof.

Defini-
tions.

SEC. 19. The following words and phrases shall, where used in this act, have the following meanings:

(1) The terms "municipality" and "city" include all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes.

(2) The terms "council" and "city council" include any body or board in which by law is vested the legislative power of any city.

(3) The terms "treasurer" and "city treasurer" include any person or officer, who has charge and makes payments of the city funds.

(4) The term "city engineer" includes any person or officer, who has charge of the surveying and engineering work of said city.

(5) The terms "clerk" and "city clerk" include any person or officer who shall be clerk of the said council.

(6) The term "improvement" includes all work and improvements mentioned in section two of this act.

(7) The term "incidental expenses" shall include the cost and expense of making the report mentioned in sections three and four hereof, including fees for surveying and engineering work; also the cost of printing and publishing as provided herein; also the expenses of making the assessment for any work authorized by this act.

(8) The term "owner" and "any person interested" included the person owning the fee, or the person in whom, on the day any protest or petition is filed, the legal title to real property appears, by deeds duly recorded in the county recorder's office of the county in which said city is situated, or any person in possession of real property, as the executor, administrator, trustee under an express trust, guardian or other legal representative of the owner, or any person in possession of real property under a written contract of purchase thereof duly recorded, or any person in possession of real property, as lessee thereof under a lease duly recorded, which shall require such lessee to pay or discharge all assessments for street or other public improvements, that may be levied or assessed against such real property.

Proof of
publica-
tion.

SEC. 20. Proof of publication of any notice required by this act shall be made by affidavit, as provided in the Code of Civil Procedure, and proof of the posting of any such notice shall be made by the affidavit of the person posting the same, setting forth the facts regarding such posting. It shall be the duty of any officer who is required by this act to have any notice published or posted, to obtain and file in his office the affidavit or affidavits in proof thereof; *provided*, that his failure so to do shall not affect the validity of any proceedings under this act. Any such affidavit so filed shall be prima facie evidence of the facts therein stated regarding such publication or posting.

SEC. 21. This act shall in no wise affect an act entitled Act of 1893 not affected.
 "An act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof; also, for the eradication of certain weeds within city limits," approved March 11, 1893, or any act amendatory thereof or supplementary thereto, or any other acts on the same subject, or apply to proceedings had thereunder, but it is intended to and does provide an alternate system of proceedings for making the improvements provided for by this act; and it shall be within the discretion of the city council of any municipality to proceed in making such improvements, either under the provisions of this act, or under the provisions of such other acts; but when any proceedings are commenced under this act, the provisions of this act, and of such amendments thereof as may be hereafter adopted, and no other, shall apply to all such proceedings, and any provisions contained in said acts or any acts in conflict with the provisions hereof shall be void and of no effect as to the proceedings commenced under the provisions of this act. The election of the city council to proceed under the provisions of this act shall be expressed in its resolution of intention to order the work done.

SEC. 22. The provisions of this act shall be liberally construed to promote the objects thereof, and no publication or notice other than that provided for in this act shall be necessary to give validity to any proceedings had thereunder. How construed.
 This act may be designated and referred to as the "tree planting act of 1913." Title of act.

CHAPTER 315.

An act to amend section three thousand nine hundred and twenty-seven of the Political Code of the State of California, so as to define with greater particularity the description of that portion of the north boundary of El Dorado county between said county and Placer county.

[Approved June 11, 1913. In effect August 10, 1913.]

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

[SECTION 1.] Section 3927 of the Political Code of the State of California is hereby amended to read as follows:

Section 3927. *El Dorado.* Beginning at the junction of the north and south forks of the American river, which is the extreme west corner; thence up the north fork of the American river to the point of confluence of the middle fork of the American river; thence up the middle fork of the American river to the point of confluence of the south fork of middle fork of the American river at Junction Bar; thence up said last named fork, now known as the Rubicon river to a point Boundaries of El Dorado county.

where the same is intersected by the section line between sections 29 and 32, T. 14 N., R. 14 E., M. D. B. and M.; thence east on the section line through T. 14 N., ranges 14 and 15 E. to the northeast corner of section 35, T. 14 N., R. 15 E.; thence north on range line to southwest corner of section 30, T. 14 N., R. 16 E.; thence east on section line to the southeast corner of section 30, T. 14 N., R. 16 E.; thence north to the one quarter section corner between sections 29 and 30, T. 14 N., R. 16 E.; thence through the centers of sections 29, 28, and 27, to the one quarter section corner between sections 26 and 27, T. 14 N., R. 16 E.; thence north on section line to the northwest corner of section 26; thence east on section line to the northeast corner of section 26; thence north on section line to the one quarter section corner between sections 23 and 24; thence east through the center of section to the one quarter corner between sections 19 and 24, T. 14 N., R. 16 E.; and T. 14 N., R. 17 E.; thence north on the range line to the one quarter section corner between sections 13 and 18; thence east to the legal center of section 18, T. 14 N., R. 17 E.; thence north to the one quarter section corner between sections 7 and 18, T. 14 N., R. 17 E.; thence east on the section line to the western shore line of Lake Bigler, now called Lake Tahoe; thence east in said lake to the state line; thence south and southeasterly on the state line to the northern corner of Alpine county, being a point where the state line crosses the eastern summit line of the Sierra Nevada mountains; thence southwesterly along the west line of Alpine county, as established in section 3931, to the common corner of Alpine, Amador and El Dorado counties, as established by said section; thence westerly on the northern line of Amador county, as established in section 3930, and down the Cosumnes river and south fork thereof: to the eastern line of Sacramento county, as established in section 3928; thence northerly by the eastern line of Sacramento county to the south fork of the American river; thence down the latter to the place of beginning. County seat—Placerville.

County
seat.

CHAPTER 316.

An act to amend section three thousand nine hundred and twenty-four of the Political Code of the State of California, so as to define with greater particularity the description of that portion of the south boundary line of Placer county between said county and El Dorado county.

[Approved June 11, 1913. In effect August 10, 1913.]

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

[SECTION 1.] Section 3924 of the Political Code of the State of California is hereby amended to read as follows:

Section 3924. *Placer.* Beginning at a point where the west line of township ten north, range five east, Mt. Diablo meridian,

Bound-
aries of
Placer
county.

intersects the northern line of Sacramento county, as established in section three thousand nine hundred and twenty-eight; thence north on range line to the northwest corner of section six, in township ten north, range five east; thence east on township line to the southwest corner of section thirty-one, township eleven north, range five east; thence north on range line to the northwest corner of township twelve north, range five east; thence east to the southwest corner of section thirty-four, township thirteen north, range five east; thence north to Bear river; thence on the southern line of Yuba and Nevada counties, up said river to its source; thence east in a direct line to the eastern line of the State of California, forming the northeast corner; thence southerly along said line to the northeast corner of El Dorado county, as established in section three thousand nine hundred and twenty-seven, (as amended at the fortieth session of the Legislature of the State of California, in the year 1913); thence westerly, on the northern lines of El Dorado and Sacramento counties, as established in amended section three thousand nine hundred and twenty-seven, and section three thousand nine hundred and twenty-eight, to the place of beginning. County seat—Auburn. County seat.

CHAPTER 317.

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

[Approved June 11, 1913. In effect August 10, 1913.]

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

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

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

WHEREAS, The conveyance to the city of Richmond of the lands hereinafter described, together with the right to govern, control, improve and develop the same will result in great

advantage and benefit to all the inhabitants of the state, it is provided; therefore

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

Tide lands
granted
to Rich-
mond.

SECTION 1. There is hereby granted and conveyed to the city of Richmond in the county of Contra Costa, in the State of California, all the lands situate on the city of Richmond side of the bay of San Francisco and the bay of San Pablo, lying and being between the line of mean high tide and the line of mean low tide as the same has been or may be hereafter established between the prolongation into the bay of San Pablo of the north boundary line of the said city of Richmond and the prolongation into the bay of San Francisco of the southerly boundary line of the city of Richmond.

City may
improve.

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

City may
not trans-
fer lands.

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

May lease
wharves,
etc.

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

May lease
land for
wharves,
etc.

SEC. 5. The city of Richmond may lease not to exceed an aggregate of fifty per cent of the lands conveyed to it by this act, for a term not to exceed twenty-five years and upon which wharves, docks or piers have not been actually constructed and no such lease shall be for a larger area than forty acres, and such leases shall not be assignable or transferable, nor shall any lessee have the right to sublet the leased

premises or any part thereof except by the consent of the city council of said city of Richmond set forth in an order of said city council and all such leases so executed shall reserve to the council of the city of Richmond the right and privilege, by ordinance to annul, change or modify such leases as in its judgment may seem proper.

SEC. 6. The foregoing conveyance is made upon the condition that the city of Richmond shall, within twelve months from the approval of this act, exclusive of such times as said city may be restrained from so doing by an injunction issued out of any court of this state or of the United States, and exclusive of such further delay as may be caused by unavoidable misfortune or great public or municipal calamity, issue its bonds for harbor improvement purposes in an amount of not less than two hundred and fifty thousand dollars, and shall, within eighteen months after the approval of this act, exclusive of the time in this section hereinbefore mentioned, commence the work of such harbor improvement, and the said work and improvement shall be prosecuted with such diligence that not less than two hundred and fifty thousand dollars shall be expended thereon within three years from the approval of this act exclusive of the time in this section hereinbefore mentioned. The said harbor improvement work shall be so done and performed that accommodation will be furnished and maintained for ocean going vessels and a depth of water shall be obtained and maintained at the piers of not less than twenty feet.

Condition of grant.

Two hundred and fifty thousand dollars.

If said bonds be not issued or said work be not prosecuted and completed as and in the manner herein provided, then the lands by this act conveyed to the city of Richmond shall revert to the State of California.

Lands may revert to state.

SEC. 7. The state hereby reserves unto itself at all times, the reasonable use of and access to all wharves, docks, piers, slips and quays hereafter constructed under the provisions of this act, for any vessel or water craft owned, leased or operated by the state.

Reservations to state.

SEC. 8. The city of Richmond shall in the name of the State of California have and is hereby granted the power and authority to maintain and prosecute to final judgment in any court of the state or United States in which jurisdiction may be vested any and all actions necessary to recover possession, from any private persons, partnerships or corporations all or any part of the lands granted in section one hereof.

Actions to recover possession.

CHAPTER 318.

An act relating to immigrants and immigration, creating a commission of immigration and housing, providing for the employment by said commission of a secretary, agents and other employees, authorizing said commission to fix their compensation, prescribing the duties of said commission, providing for the investigation by said commission of all things affecting immigrants, and for the care, protection and welfare of immigrants, and making an appropriation for the purpose of carrying out the provisions hereof.

[Approved June 12, 1913. In effect August 10, 1913.]

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

Commissioners of immigration and housing

SECTION 1. Within thirty days after this act shall go into effect, the governor of the state shall appoint five suitable persons to act as commissioners of immigration and housing. Said commissioners shall hold office and serve solely at the pleasure of the governor and not otherwise.

Compensation.

SEC. 2. Said commissioners shall serve without compensation, but shall be entitled to receive from the state their actual necessary expenses while traveling on the business of the commission, either within or without the State of California.

Organization of commission—seal, quorum, etc

SEC. 3. The commission shall be known as the "commission of immigration and housing of California." It shall have a seal for the authentication of its orders and proceedings upon which shall be inscribed the words "Commission of Immigration and Housing—California—seal." Each member of the commission, before entering upon the duties of his office, shall take the oath of office as prescribed by the Political Code for state officers in general, and must execute an official bond in the sum of five thousand dollars. Within thirty days after appointment, the commission shall meet at the state capitol and organize, selecting a president, a vice-president and a secretary. A majority of the commission shall constitute a quorum for the exercise of the powers or authority conferred upon it. Whenever a vacancy occurs in the commission, from any cause whatsoever, such vacancy shall be filled by the governor, as provided in section one for the original creation of the commission. In case of a vacancy, the remaining members shall exercise all the powers and authority of the commission until such vacancy is filled. The commission shall maintain its headquarters and principal office in the city and county of San Francisco, and may establish branch offices at any place or places which in the judgment of the commission may be deemed advisable. The commission may, however, hold sessions at any place other than its offices when the convenience of the commission and the parties interested so requires.

Vacancy.

Headquarters.

SEC. 4. For the purpose of carrying out the provisions of ^{Employees.} this act, the said commission is authorized to employ such expert and other employees as it may deem necessary, and upon such terms and for such compensation as it may deem proper. The said commission shall have power to enter into contracts of employment with such persons as it may desire to employ for a definite period of time; but no contract shall be made for more than one year. The employees of the commission shall be entitled to receive from the state their actual necessary expenses while traveling on the business of the commission, either within or without the State of California.

SEC. 5. The commission of immigration and housing shall ^{Powers and duties of commission.} have the power to make full inquiry, examination and investigation into the condition, welfare and industrial opportunities of all immigrants arriving and being within the state. The commission shall also gather information as to the agricultural possibilities and opportunities for settlement on land within the state; such information to include soil and agricultural surveys of the arable land within the state and other data relating to the price and productivity of land. The commission shall also have power to collect information with respect to the need and demand for labor by the several agricultural, industrial and other productive activities, including public works, within the state; to gather information with respect to the supply of labor afforded by such immigrants as they shall from time to time arrive or be within the state; to ascertain the occupations for which such immigrants shall be best adapted, and to bring about intercommunication between them and the several activities requiring labor which will best promote their respective needs; to investigate and determine the genuineness of any application for labor that may be received and the treatment accorded to those for whom employment shall be secured; to co-operate with the state ^{Employment bureaus.} employment bureaus, municipal employment bureaus, and with private employment agencies within the state, and also with the employment and immigration bureaus conducted under the authority of the federal government or by the government of any other state, and with public and philanthropic agencies designed to aid in the distribution and employment of immigrants; and to devise and carry out such other suitable methods as will tend to prevent or relieve congestion and obviate unemployment; and to collect and publish, in English or foreign languages, for distribution among immigrants, in, or embarked for, California, such information as is deemed essential to their protection, distribution, education and welfare; and said commission is hereby empowered and authorized to have printed by the state printer any such reports or information, records or proceedings as it may deem necessary or proper; and if for any reason the state printer is not equipped to do any part of said work, then the

said commission shall have the right and the authority to have the same done elsewhere upon such terms and conditions as it may deem proper.

Co-operation with federal, etc., authorities.

Children of school age.

Instruction in English.

Play-grounds.

Inspection of labor camps, etc.

Housing conditions.

SEC. 6. The commission shall co-operate with the proper authorities and organizations, federal, state, county, municipal and private, with the object in view of bringing to the immigrant the best opportunities for acquiring education and citizenship. To that end it shall procure from, or with the consent of, the federal authorities, complete lists giving the names, ages and destination within the state of all immigrant children of school age, and such other facts as will tend to identify them, and shall forthwith deliver copies of such lists to the superintendent of public instruction or the several boards of education and school boards in the respective localities within the state to which said children shall be destined, to aid in the enforcement of the provisions of the education law relative to the compulsory attendance at school of children of school age. The commission shall further co-operate with the superintendent of public instruction and with the several boards of education in the state to ascertain the necessity for and the extent to which instruction should be imparted to immigrants within the state and to devise methods for the proper instruction of adult and minor aliens in the English language and other subjects; and in respect to the duties and rights of citizenship and the fundamental principles of the American system of government; and shall co-operate with the proper authorities and with private agencies to put into operation practical devices for training for citizenship and for encouraging naturalization. It shall be the aim to communicate this instruction to the immigrant as soon after his arrival as is practicable. The commission shall co-operate with the proper authorities to extend this education for both children and adults to labor camps and other localities from which the regular schools are not easily accessible. The commission in co-operation with the proper authorities and organizations shall encourage the establishment of playgrounds and other recreational activities, and also the establishment of settlements and social centres in cities and towns.

SEC. 7. With the object in view of rendering to the immigrant that protection to which they are entitled, the commission of immigration and housing may inspect all labor camps within the state, and may inspect all employment and contract agencies dealing with immigrants or who secure or negotiate contracts for their employment within the state; may investigate the banking relations that exist between immigrants and laborers; may investigate and inspect institutions established for the temporary shelter and care of immigrants and such philanthropic societies as shall be organized for the purpose of securing employment for or aiding in the distribution of immigrants, and the methods by which they are conducted; and shall investigate housing conditions under which immigrants live, and sanitary and safety conditions

under which immigrants are employed; it shall further investigate conditions prevailing at the various places where immigrants are landed within the state and at the several docks, ferries, railway stations, and on trains and boats therein, and shall investigate any and all complaints with respect to frauds, extortion, incompetency and improper practices by notaries public and other public officials; it shall further investigate the relations existing between immigrants and steamship and railway ticket agents, hotel runners, cab men, baggage men, interpreters and pawn brokers; it shall further investigate the dealings carried on between immigrants and real estate firms or corporations; and as the result of any of the above inspections or investigations, if it should find evidences of fraud, crime, extortion, incompetency, improper practices or exploitation, it shall be the duty of the commission of immigration and housing to present to the proper authorities the evidences for action thereon, and shall bring to bear all the authority within its power to see that justice is rendered. The commission shall also encourage the establishment of legal aid societies.

Ticket agents.

Aid societies.

SEC. 8. With the further object in view of bringing to the immigrant the best protection the state can afford, it shall be the duty of the commission to call to the attention of the proper authorities any violations it may discover of the laws pertaining to the payment of wages, to the mode of paying, pertaining to the child labor laws, the employment of women, factory inspection laws, weekly day of rest laws, protection of labor under building laws, protection of labor under public works laws, laws relating to the white slave traffic, and laws of the state and county and municipal health departments; the tenement house laws, and other laws pertaining to housing conditions. The commission shall investigate and study the general economic, housing and social conditions of immigrants within the state, for the purpose of inducing remedial action by the various agencies of the state possessing requisite jurisdiction; and shall generally, in conjunction with existing public and private agencies, consider and devise means to promote the welfare of the state. The members of the commission of immigration and housing or any of their authorized agents shall have the right to enter into tenement houses, buildings and dwelling places for the purpose of inspecting such houses, buildings, and dwelling places to secure compliance with state tenement and building acts and municipal building ordinances and to prevent violation thereof, and shall have the right to examine the records of the various city departments charged with the enforcement of the tenement house law and other building regulations and to secure from them reports and copies of their records at any time.

Violations of law.

Remedial action.

Right to enter tenements, etc.

SEC. 9. The commission shall have the right to demand of all officials, state, county and municipal, and it shall be the duty of said officials to supply, such information and references to records as will enable the commission to carry into effect the provisions and intent of this act; and shall have the right to

Information from state officials, etc.

Evidence
may be
gathered.

enter upon private property to make investigation for the purposes of carrying out the provisions of this act. For the purpose of carrying out fully the intent and spirit of this act, the said commission shall have full power and authority to gather any and all such evidence as it may deem proper and necessary in order to present the same to the proper authorities for the purpose of instituting prosecutions against any and all persons, firms or corporations found violating any of the laws of any municipality, county or of the state or of the federal government, concerning any of the matters in this act referred to.

Hearings,
investiga-
tions, etc.

SEC. 10. For the purpose of carrying out to the fullest extent the provisions hereof, the said commission or any member thereof shall have power to hold hearings for the purpose of investigation and inquiry, and for the purpose of reaching an amicable settlement of controversies existing between persons, firms and corporations mentioned herein; and to this end and purpose, the said commissioners and each of them and such person as may be designated in writing by said commission, are hereby authorized and empowered to administer oaths. No decision shall be deemed to be final until ratified and approved by the said commission and filed in its office.

Defini-
tions.

SEC. 11. For the purposes of this act, the words immigrant and immigration shall refer to any alien who is within the state, either permanently or temporarily domiciled here, or in transit, or passing through the state to a contiguous state or territory; said words shall further refer to any alien who may first have taken up residence in some other state or in one of the federal territorial possessions, and then shall have removed to this state; said words shall further refer to all aliens coming to and being within the State of California. For the purpose of this act, the word alien shall refer to all persons who are not native born or who have not received their final citizenship papers under the naturalization laws of the United States.

Immigra-
tion
not en-
couraged.

SEC. 12. This act shall not be construed to authorize or direct the commission of immigration and housing to induce or encourage immigration into this state or the United States.

Annual
report.

SEC. 13. The commission of immigration and housing shall make an annual report to the governor, on the second day of January, of the operation of the commission.

Appro-
priation.

SEC. 14. The sum of fifty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act; and the state controller is hereby authorized and directed to draw warrants upon such sum, from time to time, upon the requisition of said commission, approved by the board of control; and the state treasurer is hereby authorized and directed to pay such warrants.

CHAPTER 319.

An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the state board of health, and to repeal an act approved March 20, 1905, entitled, "An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the board of regents of the University of California, and to provide penalties for violation thereof."

[Approved June 12, 1913. In effect August 10, 1913.]

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

SECTION 1. Within thirty days after this act takes effect the state board of health shall establish and maintain a department of examination and registration of graduate nurses, as hereinafter provided. The state board of health shall appoint a director, whose salary shall be fixed by the board, and said director shall have been graduated from an accredited training school for nurses, as defined in this act, and shall be duly registered under the provisions of this act. Said director shall perform all duties required by this act, and such other duties as may be required by the state board of health, in order to carry out the objects and purposes of this act. Lists of accredited training schools for nurses and a register of the names of all nurses duly registered under this act shall be prepared and kept by the department. An annual report shall be prepared and filed before January first of each year.

Registra-
tion of
graduate
nurses.

Director's
duties.

Annual
report.

SEC. 2. It shall be the duty of said board to meet regularly once in every six months for the purpose of holding examinations under the provisions of this act. Public notice of such meetings shall be given by publishing the same at least two weeks prior to the date of each meeting in two papers of general circulation, and in one nursing journal. Upon filing application for examination each applicant shall pay an examination fee of ten dollars, which shall in no case be returned to the applicant. No further fee shall be required for registration. At such meetings it shall be the duty of the board to examine all such applicants for registration under this act and to issue to each duly qualified applicant who shall have complied with the requisite provisions of this act and who shall have passed a satisfactory examination, a certificate provided for in this act.

Meetings
of board.

Examina-
tion fee.

SEC. 3. All applicants for registration shall be registered without examination; *provided*, they make application prior to July 1st, 1914, and have graduated before said date from a reputable training school connected with a general hospital.

Registra-
tion with-
out exam-
ination.

Registration after July 1, 1911.

SEC. 4. On and after July 1st, 1914, no person shall be eligible for examination or for registration as a registered nurse who shall not furnish satisfactory evidence of having been graduated from an accredited training school for nurses. An accredited training school for nurses within the meaning of this act is hereby defined to be a school for the training of nurses attached to or operated in connection with a hospital or hospitals giving a general training and a systematic theoretical and practical course of instruction covering a period of at least three years. All applicants for examination must furnish satisfactory evidence of good moral character, and of having complied with the provisions of this act relative to qualifying.

Registered nurse.

SEC. 5. A nurse who has received his or her certificate according to the provisions of this act, shall be styled and known as a registered nurse, and shall be entitled to place the initials "R. N." after his or her name.

Nursing by friends not affected.

SEC. 6. This act shall not be construed to affect or apply to the gratuitous nursing of the sick by friends or members of the family, or to any person nursing the sick for hire who does not in any way assume to be, or practice as a registered nurse.

Unlawful to pretend to be "R. N."

SEC. 7. It shall be unlawful for any person not holding a certificate of registration issued by the state board of health to use the title "registered nurse" or the letters "R. N.," in connection with, or following his or her name, or to impersonate in any manner, or pretend to be, a "registered nurse."

Registration of nurses from other states.

SEC. 8. The board, upon written application, and upon the receipt of ten dollars as registration fee, shall issue a certificate of registration without examination to any applicant who has been duly registered as a registered nurse under the laws of another state or foreign country having requirements equivalent to those provided for by this act.

Revocation of certificate.

SEC. 9. The board shall have the power to revoke any certificate of registration for dishonesty, intemperance, immorality, unprofessional conduct, or any habit rendering a nurse unfit or unsafe to care for the sick, after a full and fair investigation of the charges preferred against the accused.

Penalty.

SEC. 10. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and shall upon conviction be fined not less than ten dollars nor more than one hundred dollars for the first offense and not less than fifty dollars nor more than five hundred dollars for each subsequent offense.

Monthly report of receipts.

SEC. 11. Within ten days after the beginning of each month the secretary of the state board of health shall report to the controller the amount and source of all collections made under the provisions of this act, and at the same time all such amounts shall be paid into the state treasury and shall be placed to the credit of the special fund to be known as the fund for examination and registration of nurses. All amounts

paid into this fund shall be held subject to the order of the state board of health, to be used only for the purpose of meeting necessary expenses in the performance of the special duties imposed by this act. Claims against the fund shall be audited by the state board of health and by the board of control and shall be paid by the state treasurer upon warrants drawn by the state controller.

CHAPTER 320.

An act to amend an act entitled "An act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said constitution was amended November 8, 1910, providing for the taxation of public service and other corporations, banks and insurance companies for the benefit of the state, all relating to revenue and taxation," approved April 1, 1911, by amending sections 8, 9, 14, 18, 21, 22, 23, and adding thereto two new sections to be numbered 23a and 24a, all relating to revenue and taxation.

[Approved June 12, 1913. In effect August 10, 1913.]

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

SECTION 1. Section eight of an act entitled "An act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations, banks and insurance companies for the benefit of the state, all relating to revenue and taxation" approved April 1, 1911, is hereby amended to read as follows:

Section 8. 1. The term "operative property" as used in this act shall include:

(a) In the case of railroad companies, including street railroads: The franchises, roadway, roadbed, rails, rolling stock, rights of way, sidings, spur tracks, switches, signal systems, cranes and structures used in loading and unloading cars, fences along the right of way, poles, wires, conduits, power lines, piers, used exclusively in the operation of the railroad business, depot grounds and buildings, ferryboats, tugs and car-floats used exclusively in the operation of the railroad business; machine shops, repair shops, roundhouses, car barns, power houses, substations, and other buildings, used in the operation of the railroad business and so much of the land on which said shops, houses, barns, and other buildings are situate as may be required for the convenient use and occupation of said buildings.

(b) In the case of sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit,

"Operative property."

Railroad franchises, roadways, etc.

Sleeping cars, etc.

and other car-loaning, and other car companies operating upon railroads in this state: The franchises, cars, and other rolling stock.

Express business.

(c) In the case of companies doing express business on any railroad, steamboat, vessel, or stage line in this state: The franchises, cars, trucks, wagons, horses, harness, and safes.

Telegraph and telephone.

(d) In the case of telegraph and telephone companies doing business in this state: The franchises, rights of way, poles, wires, pipes, conduits, cables, switchboards, telegraph and telephone instruments, batteries, generators, and other electrical appliances, and exchange and other buildings used in the telegraph and telephone business and so much of the land on which said buildings are situate as may be required for the convenient use and occupation of said buildings.

Gas and electricity.

(e) In the case of companies engaged in the transmission or sale of gas or electricity: The franchises, towers, poles, wires, pipes, canals, tunnels, ditches, flumes, aqueducts, conduits, rights of way, dams, reservoirs, water and water rights used exclusively in the business of the transmission or sale of gas or electricity; transformers, substations, gas-holders, gas and electric generators, switches, switchboards, meters, electrical and gas appliances, oil tanks, power plants, power houses, and other buildings and structures used in the operation of the business of the transmission or sale of gas or electricity and so much of the land on which said buildings and structures are situate as may be required for the convenient use and operation of said buildings; *provided*, that the operative property of the companies enumerated in this section, shall also include any other property not above enumerated that may be reasonably necessary for use by said companies exclusively in the operation and conduct of the particular kinds of business enumerated in section two of this act. The operative property mentioned in subdivisions (a), (b), (c), (d), and (e), of this section shall not be subject to taxation for county, municipal, or district purposes except as otherwise provided for in the constitution and laws of this state; *provided, however*, that when any piece or parcel of property in this state owned by any of the companies mentioned in section two of this act is used partially by such company for any use reasonably necessary to the operation of any of the lines of business enumerated in section two of this act, and such property is also partially rented to or used by others or is partially used by the company for some other lines of business not among those so enumerated, or for purposes not reasonably necessary to the operation of any of said enumerated lines of business, it shall be considered operative property in that proportion only which that part of the property mentioned in this proviso used by the company in the operation of any of said enumerated lines of business bears to the whole of the property mentioned in this proviso.

Operative property not subject to local taxation.

Construction property not operative.

2. Any property of the classes mentioned in this section owned by a company constructing a new railroad, street rail-

way, telegraph or telephone system, or plant or system for the transmission or sale of gas or electricity, no part of which new road, line, plant, or system is in operation, and the same classes of property when held by an operating company solely for the construction of a new railroad or railway line, a new telegraph or telephone system, or a new plant or system for the transmission or sale of gas or electricity, and not to be used for betterments or additions to roads, lines, plants, or systems already under operation, shall not be considered operative property and shall be subject to assessment and taxation for county, municipal, and district purposes. Any part of such property of any company mentioned in this section shall be classed and assessed as operative property when the state board of equalization shall determine that such property is rendering a substantial public service.

3. When any property in this state belonging to a company of the classes named in this section is rendering no service to the public in this state, even though it may be rendering service to the public in some other state or states, such property shall not be considered as operative property, and shall be subject to assessment and taxation for county, municipal, and district purposes. Property rendering no service

4. The state board of equalization shall have power to make rules and issue instructions not inconsistent with the constitution and laws of this state for the guidance of assessors in determining what is operative property and what is non-operative property of companies named in this section. Rules for assessors.

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

Section 9. Such person or officer, as the state board of equalization may designate, of each of the companies mentioned in section two of this act, shall within ten days after the first Monday in March of each year, file with the said board a report signed and sworn to by one or more of said persons or officers, showing in detail for the year ending the thirty-first day of December last preceding, the various items as follows: Annual report.

1. The name of the company, its nature, whether a person or persons, a partnership (with names of partners), an association, or corporation, and under the laws of what state, territory or country organized, the nature of its business, the location of its principal place of business, the names and post-office addresses of its president, secretary, auditor, treasurer, superintendent, and general manager, the location of its principal place of business in this state, the name and post office address of its chief officer or managing agent in this state, and the names and addresses of all subsidiary companies whose property and business are operated by it and the names and addresses of any company of which it may be subsidiary. Name of company, nature of business, etc.

2. Each of the companies mentioned in section two of this act shall report, in such detail as the state board of equalization shall prescribe, all of its property in this state which comes under the definition of operative property in section eight of Description of property, etc.

this act. When any such company operates both within and without this state it shall report the mileage over which it operates both within and without this state. It shall also report the location of said property within this state by counties, cities and counties, municipalities, and districts, in such manner and in such detail as said board of equalization shall prescribe. It shall also, at the same time, furnish a duplicate of the report covering so much of said property as is located in any county, city and county, municipality, or district, to the assessor of the county, city and county, city, or district in which such property is located.

Maps.

The state board of equalization may require the filing in its office of maps descriptive of all the operative property of any such companies, and may prescribe the form and size of such maps and the details to be shown therein, and may require that similar maps descriptive of the operative property within each county, city and county, municipality, or district, shall be filed in the assessor's office in each county, city and county, city, or district in which any of said property is located.

Capital stock.

3. The amount of capital stock issued, and the amount of money received therefor, showing separately the capital stock issued and the money received therefor of the operating company and of each subsidiary company in this state.

Dividends.

4. The dividends paid during the year ending the thirty-first day of December last preceding, the surplus fund, if any, on said thirty-first day of December, or between such periods as the state board of equalization may determine, those of the operating company and of each subsidiary company in this state to be shown separately.

Debts.

5. The funded and floating debts and the rate of interest thereon, showing separately the debts of the operating company and of each subsidiary company in this state, on the thirty-first day of December last preceding.

Value of stock.

6. The market value of the stock and of the outstanding bonds, or, when said stock or bonds have no market value, the actual value thereof, for such periods and for such dates as the state board of equalization shall prescribe.

Improvements.

7. The amounts expended for improvements during the year ending the thirty-first day of December last preceding, how expended and the character of the improvements.

Receipts.

8. The gross receipts from operation within this state for the year ending the thirty-first day of December last preceding, the gross receipts from such classes of business as the state board of equalization may designate, to be reported separately; also, where the property and business are partly within and partly without this state, the gross receipts for said period on all business beginning and ending entirely within this state, and that proportion of the gross receipts from all business passing through, into, or out of this state, which the mileage within this state bears to the total mileage over which such interstate business is done as further defined in section seven of this act.

9. The operating and other expenses.

Expenses.

10. The balances of profit and loss, between such periods as the state board of equalization may determine.

Profit and loss.

11. Such other matters as the state board of equalization may deem necessary in order to enable it to assess and levy the taxes provided for in section fourteen of article thirteen of the constitution of this state.

Each such company shall include in its report the property and business of all subsidiary companies as that term is hereinafter defined in this section, whose property and business are operated by it, whether by virtue of a lease, an operating contract or agreement, or by virtue of control through the ownership of stock or otherwise, even though such subsidiary companies maintain an independent legal existence and separate accounts.

Property of subsidiary companies included.

The term "subsidiary company" is hereby defined as applying to a company which is merged in the operating system of an operating company in any of the ways above stated, whose property and franchises would be taxable under section two of this act if the same were operated independently. No separate report need be rendered by a subsidiary company whose property, franchises, and operations are fully and completely covered by the report of an operating company, unless the state board of equalization shall deem such a separate report necessary.

"Subsidiary company" defined.

Each such company operating the property and business of a subsidiary company in some line of business to which a different percentage of the gross receipts is applied by section two of this act from that applied by said section two to the gross receipts of the operating company, shall report such receipts of the subsidiary company separately.

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

Section 14. The owner or holder of every franchise subject to taxation as provided in section five of this act, shall within ten days after the first Monday in March in each year make a written report to the state board of equalization, signed and sworn to by the holder or owner himself, if an individual, or by one of the copartners if such owner or holder is a copartnership, or by the president or vice-president and the treasurer or secretary if the owner is a corporation, containing such a concise statement or description of every franchise possessed or enjoyed on said day by such owner or holder, as the state board of equalization may prescribe, a copy of the law, grant, ordinance, or contract under which the same is held, or if possessed or enjoyed under a general law, a reference to such law, a statement of any condition, obligation, or burden imposed upon such franchise, or under which the same is enjoyed, and containing also:

Annual report by holders of franchises.

1. The name of the company, its nature, whether a person or persons, a partnership (with names of partners), an association, or corporation, and under the laws of what state, terri-

Name of company, its nature, etc.

tory, or country organized, the nature of its business, the location of its principal place of business, the names and post office addresses of its president, secretary, auditor, treasurer, superintendent, and general manager, the location of its principal place of business in this state, the name and post office address of its chief officer or managing agent in this state, and the names and addresses of all subsidiary companies whose property and business are operated by it.

Capital
stock.

2. The amount of its authorized capital stock, the amount thereof issued and outstanding on the first Monday in March, and the amount paid in thereon or the value of the property received therefor.

Debts.

3. The funded and floating debts and the interest paid thereon showing separately the debts of the operating company and of any subsidiary companies in this state on the thirty-first day of December last preceding.

Value of
stock.

4. The market value of the stock and of the outstanding bonds, or, when said stock or bonds have no market value, the actual value thereof, for such periods and for such dates as the state board of equalization shall prescribe.

Value of
property.

5. The assessed value of its property as shown by the last completed assessment roll in each county, city and county, and city in the state for the purposes of taxation, and if any property of such corporation be assessed and taxed outside of the State of California the place where assessed, the amount of such assessment and taxes there paid the current fiscal year.

5a. The market and actual value of all non-assessable real and personal property owned by such company.

5b. The amount and actual value of all of said real and personal property referred to in the last two preceding sections, that is owned and possessed by the company at the date of its report; also, the amount and actual value of any other and additional real or personal property owned by the company at the date of said report.

Dividends.

6. The dividends paid during the year ending the thirty-first day of December last preceding, the surplus fund, if any, on said thirty-first day of December, or between such periods as the state board of equalization may determine. Those of the operating company and of each subsidiary company in this state to be shown separately.

Receipts.

7. The gross receipts from all sources for the year ending the thirty-first day of December last preceding, from the entire property and business, the gross receipts from such classes of business as the state board may designate, to be reported separately; also, the total gross receipts from intrastate business and from interstate business so far as the same relate to this state, the same to be separately stated.

Expenses.

8. The operating and other expenses.

Profit and
loss.

9. The balances of profit and loss, between such periods as the state board of equalization may determine.

10. Such other matters as the state board of equalization may deem necessary in order to enable it to assess and levy the

taxes provided for in section fourteen of article thirteen of the constitution of this state. The state board of equalization shall ascertain and determine from the foregoing reports or from the best information it can obtain the actual cash value on the first Monday in March of each such franchise, and shall assess and levy the taxes thereon in accordance with the provisions of subdivision (d) of section fourteen of article thirteen of the constitution of this state.

Sec. 4. Section eighteen of said act is hereby amended to read as follows:

Section 18. The state board of equalization must meet at the state capitol on the first Monday in March in each year, and continue in open session from day to day, Sundays and holidays excepted, until the first Monday in July. Between the first Monday in March and the third Monday before the first Monday in July the board must assess and levy the taxes as and in the manner provided for in this act and in section fourteen of article thirteen of the constitution of this state. The assessments must be made to the company, person, or association owning or operating the property subject to said tax, or, in the case of banks, banking associations, savings and loan societies and trust companies, to the stockholders therein; *provided, however*, that in the case of banks in liquidation the assessment shall be made to the receiver, trustee or officer in charge of such liquidation, as the case may be, as the representative of the stockholders thereof. If the name of the owner is unknown to the board, such assessment must be made to unknown owners. Clerical errors occurring or appearing in the name of any company, person, association, or stockholder whose property is correctly assessed, or in the making, or extension of any assessment upon the records of the state board of equalization, which do not affect the substantial rights of the taxpayer, shall not invalidate the assessment: *provided, however*, that if any bank shall by resolution of its board of directors, request the state board of equalization to assess to and in the name of such bank so requesting, the entire taxable value of all the shares of the capital stock of such bank, as determined by said state board, instead of assessing such shares to and in the name of the individual stockholders or shareholders owning the same, and if such bank shall promise that it will, upon being notified by said state board, of such assessment thereof to said bank, and of the amount of taxes to be paid upon such assessment, pay such taxes at the times when taxes assessed and levied under this act are due and payable, which request to assess said bank and promise to pay said tax shall be in substantially the following form:

The state board of equalization is hereby instructed to assess in the name of this bank and not to the individual stockholders or shareholders therein, the taxable value of all the shares of capital stock in this bank and such bank hereby promises to pay to the state treasurer the amount of the tax

Meetings
of board
of equal-
ization.

Assess-
ment and
levy of
tax.

Bank
shares
taxed in
name of
bank.

Form of
resolution.

levied upon such assessment when such taxes are due and payable under the laws of this state.

By (here insert title of official signing.)

Notice of
completion
of assess-
ment.

Then the state board may assess the capital stock to and in the name of such bank and said promise to pay the taxes shall be binding upon such bank and collection of such taxes from such bank may be enforced in the manner and by the same method as is provided for the collection of other taxes assessed and levied under this act. On the third Monday before the first Monday in July the said board shall publish a notice in one daily newspaper of general circulation published at the state capital, in one daily newspaper of general circulation published in the city and county of San Francisco, and in one daily newspaper of general circulation published in the city of Los Angeles, that the assessment of property for state taxes has been completed, and that the record of assessments for state taxes will be delivered to the controller on the first Monday in July, and that if any company, person, or association is dissatisfied with the assessment made by the board, it may, at any time before the taxes thereon shall become due and payable, apply to the board to have the same corrected in any particular. The board shall have power at any time on or before the first Monday in July to correct the record of assessments for state taxes and may increase or decrease any assessment therein if in its judgment the evidence presented or obtained warrants such action.

Power to
correct
record.

Sec. 5. Section twenty-one of said act is hereby amended to read as follows:

Taxes lien
on prop-
erty.

Section 21. The taxes levied under the provisions of this act shall constitute a lien upon all the property and franchises of every kind and nature belonging to the companies subject to taxation for state purposes, which lien shall attach on the first Monday in March of each year. Every tax herein provided for has the effect of a judgment against the company, and every lien created by this act has the effect of an execution duly levied against all property of the delinquent; the judgment is not satisfied nor the lien removed until such taxes, penalties, and costs are paid, or the property sold for the payment thereof. No final discharge in bankruptcy or decree of dissolution shall be made and entered by any court, until all taxes, penalties, and costs due on assessments made under the provisions of this act shall have been paid and discharged.

Sec. 6. Section twenty-two of said act is hereby amended to read as follows:

Taxes paid
to state
treasurer.

Section 22. All taxes assessed and levied as provided in this act shall be paid to the state treasurer, upon the order of the controller, without deduction for any taxes assessed and levied to pay the principal and interest of any bonded indebtedness mentioned in subdivision (e) of section fourteen of article thirteen of the constitution of this state, and the amount due to the cities, cities and counties, counties, towns, townships, and

districts on account of said taxes assessed and levied for such bonded indebtedness shall be paid to said cities, cities and counties, counties, towns, townships, or districts in the manner hereinafter in this act provided. The controller must mark the date of payment of any tax on the record of assessments for state taxes. He must give a receipt to the person paying any tax, or any part of any tax, specifying the amount of the assessment and the tax, or part of tax, paid, and the amount remaining unpaid, if any, with a description of the property assessed; *provided*, that the receipt for the second half of the taxes may refer, by number or in any other intelligible manner, to the receipt given for the first half of said taxes, in lieu of a description of the property assessed. Whenever any taxes, penalties, or costs collected and paid to the state treasurer under the provisions of this act, shall have been paid more than once, or shall have been erroneously or illegally collected, or when any taxes shall have been collected and paid pursuant to this act upon a computation erroneously made by reason of clerical mistake of the officers or employees of the state board of equalization, or shall have been computed in a manner contrary to law, the state board of equalization shall certify to the state board of control the amount of such taxes, penalties, or costs, collected in excess of what was legally due, from whom they were collected or by whom paid, and if approved by said board of control, the same shall be credited to the company or person to whom it rightfully belongs, at the time of the next payment of taxes. No claim for such credit shall be so audited, approved, allowed, or paid unless presented within one year after the payment sought to be refunded. In case the assessment of any property or any company is duplicated upon the state assessment roll, or there appears thereon the assessment of any company whose charter has been forfeited or right to do business in this state has been forfeited, or the assessment of any company which, for any reason, could not be legally assessed, the state board of equalization or the controller shall certify such fact to the state board of control and said board of control shall authorize the cancellation of such assessment.

Controller's receipt.

Credit for erroneous payments.

Sec. 7. Section twenty-three of said act is hereby amended to read as follows:

Section 23. Any company, person or association claiming and protesting as herein provided that the assessment made against him or it by the state board of equalization is void in whole or in part may bring an action against the state treasurer for the recovery of the whole or any part of such tax, penalties or costs paid on such assessment upon the grounds stated in such protest, but no such action may be brought later than the third Monday in February next following the day on which the taxes were due, nor unless such company, person or association shall have filed with the state controller at the time of payment of such taxes a written protest stating whether the whole assessment is claimed to be void, or if a part only, what part, and the grounds upon which such claim is founded;

Actions for recovery of void taxes.

and when so paid under protest the payment shall in no case be regarded as voluntary. Whenever under the provisions of this section an action is commenced against the state treasurer, a copy of the complaint and of the summons must be served upon the treasurer, or his deputy. At the time the treasurer demurs or answers, he may demand that the action be tried in the superior court of the county of Sacramento, which demand must be granted. The attorney general must defend the action. The provisions of the Code of Civil Procedure relating to pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. A failure to begin such action within the time herein specified shall be a bar against the recovery of such taxes. In any such action the court shall have power to render judgment for plaintiff for any part or portion of the tax, penalties or costs found to be void and so paid by plaintiff upon such assessment.

SEC. 8. A new section is hereby added to said act to be numbered twenty-three "a" to read as follows:

Reassessment
because of
invalidity.

Section 23a. 1. Every assessment of property made after November 8, 1910, under the provisions of section fourteen, article thirteen of the constitution and the provision of this act which is, or may hereafter be adjudged to be invalid by reason of any illegality, invalidity, or irregularity, declared or existing, in the assessment of such property, or in the mode provided for the assessment thereof, shall be remade and the property reassessed and equalized for each year for which such assessment is invalid as aforesaid, and for the year for which the assessment of such property was invalid as aforesaid, and such reassessment and equalization shall be made by the same officers and boards, at the same time or times, as are prescribed by law for the assessment and equalization of property, of the same classes or kinds as the property which hereby is required to be reassessed. The assessment and equalized assessment of such property shall be entered on the several assessment rolls or books in the same manner that assessments of such property are or were required by law to be entered for the year or years for which such reassessments shall be made. And there is hereby levied for state purposes the same rates of taxation for each of such respective years as were levied upon such property for each of said years for said state purposes.

Reassessment
and
equaliza-
tion.

2. All property authorized to be reassessed by this act shall be reassessed and equalized by the proper officers and boards at the value to which and to the person or corporation to whom or to which such property ought, for each of such years, to have been assessed, under such rules of notice and at the times and in the modes as are prescribed for the assessment and equalization of like classes of property; and the assessment and equalization thereof, and the levy and collection of taxes thereunder, shall be made by the proper officers at the time, upon like notice and in the manner now or hereafter provided by law for making assessments and equalizing the

same, and for the levy and collection of taxes on like classes of property; and if the taxes so relieved shall become delinquent, there shall be added thereto and the amount thereof the same percentage as a penalty for such delinquency as is added to other delinquent taxes on like classes of property; and such delinquent taxes and penalties added thereto shall be collected by the proper officers in the manner now or hereafter provided by law for the collection of delinquent taxes and penalties upon like classes of property, the collectors of such taxes to allow as credits thereon all payments theretofore made on the tax as first levied.

3. There shall be no limitation or limitations as to the time in which actions for the collections of taxes levied under this section may be commenced, and all the provisions of law now or hereafter provided in respect to assessments, equalization, levy, and collection of taxes shall, where applicable, apply to reassessments, equalization, and reliefs and collections of taxes made under the provisions of this act. No limitation as to time.

SEC. 9. A new section is hereby added to said act to be numbered twenty-four "a" to read as follows:

Section 24a. It shall be unlawful for any company, either domestic or foreign, which has not paid to the state all taxes, penalties and costs as in this act prescribed and levied, to exercise the powers of such company, or to transact any business in this state, after the Saturday preceding the first Monday in March following its delinquency. Each and every person exercising any of the powers of such delinquent company or transacting any business for or in behalf of such company after the Saturday preceding the first Monday in March following the delinquency of such company as provided in this act, except to settle the affairs of such company, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each day such violation of the law continues, which fine shall be paid into the general fund of the state treasury. Unlawful for companies which have not paid tax to operate.

Penalty.

CHAPTER 321.

An act for the relief of purchasers of state lands.

[Approved June 12, 1913. In effect August 10, 1913.]

WHEREAS, An act approved April 28, 1855, provided for the sale of swamp and overflowed lands, but excluded from the operation of said act any swamp lands within ten miles of the city of San Francisco; and,

WHEREAS, Survey No. 119 made for Peter Anderson for the northeast quarter of southeast quarter of section 10, township 3 south, range 3 west, Mount Diablo meridian, was filed in the office of the state surveyor general pursuant to the provisions of said act, and payment of the purchase price

was made April 14, 1856, and certificate of purchase No. 70, for said land, was issued December 20th, 1859, to said Peter Anderson; and

WHEREAS, When patent was requested for said land in 1911, it was determined that said land was just within the area withheld from sale by said act of 1855; and,

WHEREAS, The subsequent acts of April 28, 1858, and March 28, 1868, did not preclude from sale the lands within said ten mile limit; now therefore

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

Patent to
Peter An-
derson.

SECTION 1. The register of the state land office, upon the surrender of the certificate of purchase number 70, issued December 20th, 1859, to Peter Anderson for the northeast quarter of southeast quarter of section 10, township 3 south, range 3 west, Mount Diablo meridian, must prepare a patent for the said land, the said patent to be issued in the name of Peter Anderson—the patent must then be signed by the governor—attested by the secretary of state, sealed with the great seal of the state and be countersigned by the register; and the said patent shall be deemed and held to convey the legal title to the said land, and the state of California does hereby grant to the said Peter Anderson, or his assigns, grantees or successors in interest, all its right, title and interest in and to the said northeast quarter of southeast quarter of section 10, township 3 south, range 3 west, M. D. M.

CHAPTER 322.

An act to establish a legislative counsel bureau and making an appropriation therefor.

[Approved May 26, 1913. In effect August 10, 1913.]

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

Legislative
council
bureau
created.

Board.

SECTION 1. A bureau is hereby created to be known as the legislative counsel bureau which shall be in charge of a chief to be appointed by and act under the supervision of a board as herein provided to be known as the "legislative counsel bureau board". Said appointing board shall consist of five members, one of whom shall be the governor or any one acting for and at the request of the governor in that behalf from time to time. Two members of the board shall be chosen by the senate from its members for a term of four years subject to the power of the senate to at any time change such members. Two members of the board shall be chosen by the assembly from its members for a term of two years subject to the power of the assembly to at any time change such members. The two members chosen by the senate shall not be of the same political party, and the two members chosen by the assembly shall not be of the same political party. The first

selection of said members chosen by the senate and assembly respectively shall be made prior to adjournment of the fortieth regular session of the legislature of the State of California, said terms to commence upon the taking effect of this act; *provided, however,* that if either or both the senate and the assembly shall fail to make such selections before the adjournment of said session, then the governor shall make such selections of two members from each house so failing to select for the terms herein provided, subject to the restrictions hereinbefore set forth as to party affiliation of members. Subsequent selections by the respective houses shall be made at the regular session of the legislature next preceding the expiration of said terms of office or any vacancy therein, and incumbents on the board chosen by either house of the legislature shall be eligible to re-election. Vacancies in the board occurring during the interim between sessions of the legislature shall be filled by the governor, subject to the above restrictions as to the political affiliations of the appointees, such appointees to hold office until the succeeding session of the legislature. The chief shall be chosen without reference to party affiliations, and solely on the ground of fitness to perform the duties of his office, and must have practical knowledge of the substantive and remedial law of the State of California. He shall hold office for the term of four years unless sooner removed between any regular or special session of the legislature by an affirmative vote of four members of the board upon charges made with a public hearing and published findings thereon, or by any regular or special session of the legislature without notice or trial, two thirds of the members of each house voting therefor.

Appointment by governor.

Vacancies.

Chief of bureau.

Term.

SEC. 2. It shall be the duty of the chief of the legislative counsel bureau, and the work of that bureau, to prepare and assist in the preparation, amendment and consideration of legislative bills when requested or upon suggestion as herein provided. He shall devote his whole time and attention to forwarding the work of the bureau, and it shall be his duty to make such study as said board may direct of the laws of this state and other states as may the better enable the bureau to do its work, and advise, as occasion may arise, as to needed revision of the statutes.

Duties of chief.

SEC. 3. The legislative counsel bureau and its chief shall prepare or assist in the preparation or amendment of legislative bills at the suggestion, in writing and as herein set forth, of the governor of the state, or of any judge of the supreme court or of the district courts of appeal or of the superior courts of the state, or of any committee of the senate or assembly of the legislature of the state. All such suggestions shall set forth the substance of the provisions desired or which may be needed with the reasons therefor. Such suggestion by a judge of the supreme court shall be filed with the clerk of that court. Such suggestion by a judge of a district court of appeal shall be filed with the clerk

Preparation of legislative bills.

of that court. Such suggestion by a judge of a superior court shall be filed with the clerk of the district court of appeal of the district within which such superior court is located. When such suggestion is so filed with the clerk of the supreme court or of a district court of appeal, that clerk shall make and send to the permanent office of said bureau a certified copy of such suggestion, and all other suggestions shall be filed at said office, and all such papers so received at such office shall be there permanently filed and recorded and copies furnished to the chief of the legislative counsel bureau; *all provided*, that from the time the legislature of the state convenes until it is adjourned finally, the legislative counsel bureau and its chief shall give such consideration to and service concerning any bill before the legislature, which circumstances will permit, and which is in any way requested by the governor of the state or the senate or the assembly or any committee of the legislature having such bills before it for consideration, and after such adjournment the chief of the legislative counsel bureau shall still remain so subject to such request by the governor of the state as to any bill still in his hands for rejection or approval or other action; *provided, further*, that neither the chief nor any employee of the bureau shall oppose or urge legislation; but the bureau shall, upon request, and so far as may be in its power, aid and assist any member of the legislature as to bills, resolutions and measures, drafting the same into proper form and furnishing to them the fullest information upon all matters in the scope of the bureau. Neither the chief nor any other employee of the bureau shall reveal to any person outside thereof the contents or nature of any matter which has not become a public record, except with the consent of the person bringing such matter before the bureau.

Not to
urge
legislation.

Office in
capitol.

SEC. 4. The chief of the bureau shall be in attendance on all sessions of the legislature and his permanent office shall be in the state capitol in Sacramento, but he may, at the pleasure of said board, maintain temporary offices at other places in the State of California.

Salaries.

SEC. 5. The said board shall determine the salary of the chief, which shall be payable in equal monthly installments, and of all other employees of said bureau and shall control all expenditures on behalf of said bureau. The members of said board shall not receive any salary or compensation, but they and the chief of the bureau shall be repaid all actual expenses incurred or paid by them in carrying out the provisions of this act, and shall file monthly with the state board of control itemized and sworn statements of all such expenses so incurred or paid during the preceding month.

Assistants.

SEC. 6. The said board shall furnish bureau with such professional, clerical and office and other assistants as may be necessary and incur such other expenses as may be necessary for the effective work of the bureau. The material (including books and other publications) of the state library shall be

Material
available
to bureau.

made available to said bureau, and all the officers of the state, the University of California, and all departments, commissions and bureaus and other official state organizations, and all persons connected therewith, shall give the chief ready access to their records and full information and reasonable assistance in any matters of research requiring recourse to them or to data within their knowledge or control. The bureau may co-operate with any of the educational institutions of the state in any manner approved by the said board and such institutions.

SEC. 7. All books, papers, records and correspondence of said bureau pertaining to its work, except copies furnished to or retained by the chief of what is filed at the permanent office of said bureau, and except memoranda made by him, shall be public records and shall be filed with and recorded and kept at the permanent office of said bureau, except as herein otherwise provided. Books, records, etc.

SEC. 8. Any and all persons receiving service from said bureau, as herein provided, may by request in writing filed with the bureau have all their personal papers and correspondence temporarily kept private and confidential, but said papers and correspondence shall become public records whenever the said board or the legislature shall so order or said written request is withdrawn. Papers kept confidential.

SEC. 9. There is hereby appropriated out of the general fund not otherwise appropriated, for the sixty-fifth and sixty-sixth fiscal years, the sum of twenty thousand (\$20,000) dollars for carrying into effect the provisions of this act. Appropriation.

CHAPTER 323.

An act to amend sections 2283, 2285, 2286, 2287 and 2289 of the Political Code relating to the support and maintenance of orphans, half orphans and abandoned children.

[Approved May 26, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 2283 of the Political Code of the State of California is hereby amended so as to read as follows:

2283. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to each and every institution in this state conducted for the support and maintenance of needy minor orphans, half orphans, or abandoned children, and to each and every county, city and county, city, or town maintaining such orphans, half orphans, or abandoned children, or any or all of such classes of persons, aid as follows: For each whole orphan supported and maintained in any such institution, not in excess of one hundred dollars per annum; and for each half orphan or abandoned child, not in excess of seventy-five dollars per annum; but each abandoned child must have been an inmate thereof for one year Appropriation. Orphan one hundred dollars; half orphan seventy-five dollars.

prior to receiving any support as provided in this chapter; *provided*, that in addition to the amount paid by the state for each half orphan maintained at home by its mother, the county, city and county, city, or town may pay for the support of such half orphan an amount equal to the sum paid by the state; *and provided, further*, that in any case where any such half orphan is denied aid by the county, upon a petition setting forth the facts in full as to the necessity of aid, verified by five reputable citizens of the county, city and county, city, or town, the mother of such child shall have the right of appeal direct to the state board of control for aid for her child, and should her appeal be sustained by said board payment must be made for the child as above provided.

SEC. 2. Section 2285 of the Political Code of the State of California is hereby amended so as to read as follows:

Books to
be kept
by institu-
tions.

2285. Every institution, county, city and county, city, or town entitled to aid under this chapter must keep the following books, which at all times must be open to the state board of control or to any person appointed by them to examine the same, or to any committee of the legislature, or to any clerk or officer thereof duly authorized to make such examination:

Date of
admission,
name, age,
etc.

1. A book in which must be entered the date of admission, name, age, sex, and place of birth of each and every orphan, half orphan, and abandoned child, who is or may hereafter be received or admitted into such institution, or to county aid, and the date of discharge of any such child, when such discharge is made, the parentage, if known; the estate, if any, to which the child is heir, and the insurance, if any, on the father's or mother's life; so far as can be ascertained, the place where either parent or both died, the nativity of the parents, where married, the marriage certificate, where recorded, when they came to California, place of residence in California, and habits of sobriety.

Monthly
accounts.

2. A book entitled "monthly accounts." In it must be entered on the debtor side, all the moneys received from any and all sources segregated under the proper heads; on the credit side must be entered all disbursements made, specifying for what purposes made, and the amount entered in detail so disbursed, segregated under their proper heads.

3. A pay roll of the employees, and the amounts disbursed to each.

4. A book in which must be entered in detail the amounts paid for the specific support of every orphan, half orphan, or abandoned child and the date of such payments.

5. A transcript of the books and pay roll, verified under oath by the manager or person in charge of such institution entitled to or claiming state aid under this chapter, must be made and forwarded to the state board of control at the time of making demand or presenting claim for state aid, covering the time for which such claim or demand for state aid is made.

List of
inmates.

6. A list of all the inmates other than employees or orphans supported wholly or in part by any institution presenting a

claim for state aid under this chapter, must also be forwarded with such claim for aid.

SEC. 3. Section 2286 of the Political Code of the State of California is hereby amended so as to read as follows:

2286. The state board of control is authorized, in behalf of the state, at any time to inquire, either in person or by authorized agent into the management of any such institution; and any institution refusing, upon due demand, to permit such inquiry or to comply with regulations established by said board for the proper maintenance and care of children receiving state aid must not thereafter receive any aid under this chapter until it has complied with all requirements. To carry out the provisions of this act, the state board of control may appoint three children's agents who shall, under the rules of said board, visit the homes and the institutions in which are children to whom state aid is being given or for whom aid is being asked, to obtain such information as the board may need in carrying out the provisions of this chapter. Such agents shall receive their necessary traveling expenses and a salary of one hundred and seventy-five dollars per month, which salary shall be paid in the same manner and at the same time as the salaries of other state officers. All expenses incurred in visiting said asylums and homes, when there are no other available funds, may be audited and allowed by the state board of control out of the appropriation for support of orphans, half orphans, and abandoned children. In addition an advisory committee of three persons serving without pay or expense to the state may be appointed by the board of control, to act in any county in conjunction with the children's agents.

Board of control may inquire into institutions.

Children's agents.

Salary.

SEC. 4. Section 2287 of the Political Code of the State of California is hereby amended so as to read as follows:

2287. Every claim for aid under this chapter must be presented to and audited and allowed by the state board of control. Such claim must contain:

Facts contained in claims.

1. The name and location of the institution making the claim, or the name of the county.
2. The name of the person or persons having charge or control of the institution or of the child.
3. The number of orphans, half orphans, or abandoned children therein, in the case of an institution.
4. The date of admission and age of each child.
5. The amount, if any, that the institution is receiving for the specific support of any orphan, half orphan, or abandoned child therein. Such claim, and the statements therein contained, must be verified by the person or persons, or some of them, in charge of such institution, or in the case of counties, by the county officers in charge of the distribution of aid, and the state board of control may, in its discretion, require the production of the books of such institution or county in support of such claim.

SEC. 5. Section 2289 of the Political Code of the State of California is hereby amended so as to read as follows:

2289. In order that the provisions of this chapter shall not be abused, it is hereby declared:

Institutions must have twenty inmates.

1. That no institution which has less than twenty inmates of either or all of the classes mentioned in section twenty-two hundred and eighty-three, must be deemed an institution for the support and maintenance of minor orphans, half orphans, or abandoned children, within the intent and meaning of this chapter.

Age of minor.

2. That no child over the age of fourteen years shall be deemed a minor orphan, half orphan, or abandoned child, within the intent and meaning of this chapter.

Receiving ten dollars for child.

3. That no child for whose specific support there is paid to any such institution the sum of ten dollars or more per month shall be deemed a minor orphan, half orphan, or abandoned child within the intent and meaning of this chapter.

Parents must have resided in state.

4. That no child whose parent or parents have not resided in this state for at least three years prior to the application for aid, or whose parent or parents have not become citizens of this state shall be deemed a minor orphan, half orphan or abandoned child within the intent and meaning of this chapter.

Home for child.

5. That no child maintained in an institution for whom a bona fide offer of a proper home has been made shall be considered eligible for further state aid; *it is further provided, however*, that no institution shall be required to surrender a child to any person of religious faith different from that of the child or the parents of the child.

CHAPTER 324.

An act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violations of this act.

[Approved May 26, 1913. In effect August 10, 1913.]

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

Industrial welfare commission established.

SECTION 1. There is hereby established a commission to be known as the industrial welfare commission, hereinafter called the commission. Said commission shall be composed of five persons, at least one of whom shall be a woman, and all of whom shall be appointed by the governor as follows: two for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years; *provided, however*, that at the expiration of their respective terms, their successors shall be appointed to serve a full term of four years. Any vacancies shall be similarly filled for the unexpired portion of the term in which the vacancy shall occur. Three members of the commission shall constitute a quorum.

A vacancy on the commission shall not impair the right of the remaining members to perform all the duties and exercise all the powers and authority of the commission.

SEC. 2. The members of said commission shall draw no salaries but all of said members shall be allowed ten dollars per diem while engaged in the performance of their official duties. The commission may employ a secretary, and such expert, clerical and other assistants as may be necessary to carry out the purposes of this act, and shall fix the compensation of such employees, and may, also, to carry out such purposes, incur reasonable and necessary office and other expenses, including the necessary traveling expenses of the members of the commission, of its secretary, of its experts, and of its clerks and other assistants and employees. All employees of the commission shall hold office at the pleasure of the commission.

Compensation.

secretary.

SEC. 3. (a) It shall be the duty of the commission to ascertain the wages paid, the hours and conditions of labor and employment in the various occupations, trades, and industries in which women and minors are employed in the State of California, and to make investigations into the comfort, health, safety and welfare of such women and minors.

Duties.

(b) It shall be the duty of every person, firm or corporation employing labor in this state:

Information to be furnished commission.

1. To furnish to the commission, at its request, any and all reports or information which the commission may require to carry out the purposes of this act, such reports and information to be verified by the oath of the person, or a member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when so requested by the commission or any member thereof.

2. To allow any member of the commission, or its secretary, or any of its duly authorized experts or employees, free access to the place of business or employment of such person, firm, or corporation, for the purpose of making any investigation authorized by this act, or to make inspection of, or excerpts from, all books, reports, contracts, pay rolls, documents, or papers, of such person, firm or corporation relating to the employment of labor and payment therefor by such person, firm or corporation.

3. To keep a register of the names, ages, and residence addresses of all women and minors employed.

(c) For the purposes of this act, a minor is defined to be a person of either sex under the age of eighteen years.

Minor defined.

SEC. 4. The commission may specify times to hold public hearings, at which times, employers, employees, or other interested persons, may appear and give testimony as to the matter under consideration. The commission or any member thereof shall have power to subpoena witnesses and to administer oaths. All witnesses subpoenaed by the commission shall be paid the fees and mileage fixed by law in civil cases. In case of failure on the part of any person to comply with any order of the commission or any member thereof, or any subpoena, or upon the

Public hearings.

refusal of any witness to testify to any matter regarding which he may lawfully be interrogated before any wage board or the commission, it shall be the duty of the superior court or the judge thereof, on the application of a member of the commission, to compel obedience in the same manner, by contempt proceedings or otherwise, that such obedience would be compelled in a proceeding pending before said court. The commission shall have power to make and enforce reasonable and proper rules of practice and procedure and shall not be bound by the technical rules of evidence.

Conference
of "wage
board."

SEC. 5. If, after investigation, the commission is of the opinion that, in any occupation, trade, or industry, the wages paid to women and minors are inadequate to supply the cost of proper living, or the hours or conditions of labor are prejudicial to the health, morals or welfare of the workers, the commission may call a conference, hereinafter called "wage board," composed of an equal number of representatives of employers and employees in the occupation, trade, or industry in question, and a representative of the commission to be designated by it, who shall act as the chairman of the wage board. The members of such wage board shall be allowed five dollars per diem and necessary traveling expenses while engaged in such conferences. The commission shall make rules and regulations governing the number and selection of the members and the mode of procedure of such wage board, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of such wage board. The proceedings and deliberations of such wage board shall be made a matter of record for the use of the commission, and shall be admissible as evidence in any proceedings before the commission. On request of the commission, it shall be the duty of such wage board to report to the commission its findings, including therein:

Compensation.

Report of
wage
board.

1. An estimate of the minimum wage adequate to supply to women and minors engaged in the occupation, trade or industry in question, the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The number of hours of work per day in the occupation, trade or industry in question, consistent with the health and welfare of such women and minors.

3. The standard conditions of labor in the occupation, trade, or industry in question, demanded by the health and welfare of such women and minors.

Power to
fix wages,
hours,
etc.

SEC. 6. (a) The commission shall have further power after a public hearing had upon its own motion or upon petition, to fix:

1. A minimum wage to be paid to women and minors engaged in any occupation, trade or industry in this state, which shall not be less than a wage adequate to supply to such women and minors the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The maximum hours of work consistent with the health

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and welfare of women and minors engaged in any occupation, trade or industry in this state; *provided*, that the hours so fixed shall not be more than the maximum now or hereafter fixed by law.

3. The standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade or industry in this state.

(b) Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and acting upon any matters referred to in subsection (a) hereof, the commission shall give public notice by advertisement in at least one newspaper published in each of the cities of Los Angeles and Sacramento and in the city and county of San Francisco, and by mailing a copy of said notice to the county recorder of each county in the state, of such hearing and purpose thereof, which notice shall state the time and place fixed for such hearing, which shall not be earlier than fourteen days from the date of publication and mailing of such notices.

(c) After such public hearing, the commission may, in its discretion, make a mandatory order to be effective in sixty days from the making of such order, specifying the minimum wage for women or minors in the occupation in question, the maximum hours; *provided*, that the hours specified shall not be more than the maximum for women or minors in California; and the standard conditions of labor for said women or minors; *provided, however*, that no such order shall become effective until after April 1, 1914. Such order shall be published in at least one newspaper in each of the cities of Los Angeles and Sacramento and in the city and county of San Francisco, and a copy thereof be mailed to the county recorder of each county in the state, and such copy shall be recorded without charge, and to the labor commissioner who shall send by mail, so far as practicable, to each employer in the occupation in question, a copy of the order, and each employer shall be required to post a copy of such order in the building in which women or minors affected by the order are employed. Failure to mail notice to the employer shall not relieve the employer from the duty to comply with such order. Finding by the commission that there has been such publication and mailing to county recorders shall be conclusive as to service.

SEC. 7. Whenever wages, or hours, or conditions of labor have been so made mandatory in any occupation, trade, or industry, the commission may at any time in its discretion, upon its own motion or upon petition of either employers or employees, after a public hearing held upon the notice prescribed for an original hearing, rescind, alter or amend any prior order. Any order rescinding a prior order shall have the same effect as herein provided for in an original order.

SEC. 8. For any occupation in which a minimum wage has been established, the commission may issue to a woman physically defective by age or otherwise, a special license authorizing the employment of such licensee, for a period of six months,

for a wage less than such legal minimum wage; and the commission shall fix a special minimum wage for such person. Any such license may be renewed for like periods of six months.

Statistics.

SEC. 9. Upon the request of the commission, the labor commissioner shall cause such statistics and other data and information to be gathered, and investigations made, as the commission may require. The cost thereof shall be paid out of the appropriations made for the expenses of the commission.

Discharging employee who testifies, misdemeanor.

SEC. 10. Any employer who discharges, or threatens to discharge, or in any other manner discriminates against any employee because such employee has testified or is about to testify, or because such employer believes that said employee may testify in any investigation or proceedings relative to the enforcement of this act, shall be deemed guilty of a misdemeanor.

Payment of less than minimum wage prohibited.

SEC. 11. The minimum wage for women and minors fixed by said commission as in this act provided, shall be the minimum wage to be paid to such employees, and the payment to such employees of a less wage than the minimum so fixed shall be unlawful, and every employer or other person who, either individually or as an officer, agent, or employee of a corporation or other person, pays or causes to be paid to any such employee a wage less than such minimum, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment.

Penalty.

Wage fixed presumed reasonable.

SEC. 12. In every prosecution for the violation of any provision of this act, the minimum wage established by the commission as herein provided shall be prima facie presumed to be reasonable and lawful, and to be the living wage required herein to be paid to women and minors. The findings of fact made by the commission acting within its powers shall, in the absence of fraud, be conclusive; and the determination made by the commission shall be subject to review only in a manner and upon the grounds following: within twenty days from the date of the determination, any party aggrieved thereby may commence in the superior court in and for the city and county of San Francisco, or in and for the counties of Los Angeles or Sacramento, an action against the commission for review of such determination. In such action a complaint, which shall state the grounds upon which a review is sought, shall be served with the summons. Service upon the secretary of the commission, or any member of the commission, shall be deemed a complete service. The commission shall serve its answer within twenty days after the service of the complaint. With its answer, the commission shall make a return to the court of all documents and papers on file in the matter, and of all testimony and evidence which may have been taken before it, and of its findings and the determination. The action may thereupon be brought on for hearing before the court upon such record by either party on ten days' notice of the other.

Appeal.

Upon such hearing, the court may confirm or set aside such determination; but the same shall be set aside only upon the following grounds:

(1) That the commission acted without or in excess of its powers.

Grounds for setting aside determination.

(2) That the determination was procured by fraud.

Upon the setting aside of any determination the court may recommit the controversy and remand the record in the case to the commission for further proceedings. The commission, or any party aggrieved, by a decree entered upon the review of a determination, may appeal therefrom within the time and in the manner provided for an appeal from the orders of the said superior court.

SEC. 13. Any employee receiving less than the legal minimum wage applicable to such employee shall be entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage, together with costs of suit, notwithstanding any agreement to work for such lesser wage.

Employee may sue for unpaid balance.

SEC. 14. Any person may register with the commission a complaint that the wages paid to an employee for whom a living rate has been established, are less than that rate, and the commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than the living wage.

Complaints.

SEC. 15. The commission shall biennially make a report to the governor and the state legislature of its investigations and proceedings.

Biennial report.

SEC. 16. There is hereby appropriated annually out of the moneys of the state treasury, not otherwise appropriated, the sum of fifteen thousand dollars, to be used by the commission in carrying out the provisions of this act, and the controller is hereby directed from time to time to draw his warrants on the general fund in favor of the commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

Appropriation.

C. C. C. C. C.

SEC. 17. The commission shall not act as a board of arbitration during a strike or lock-out.

Not board of arbitration.

SEC. 18. (a) Whenever this act, or any part or section thereof, is interpreted by a court, it shall be liberally construed by such court.

Interpretation of act.

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

Constitutionality.

SEC. 19. The provisions of this act shall apply to and include women and minors employed in any occupation, trade or industry, and whose compensation for labor is measured by time, piece or otherwise.

Act applies to all occupations.

CHAPTER 325.

An act to amend section 607e of the Civil Code of the State of California, relating to the compensation of societies organized for the prevention of cruelty to animals, or for the prevention of cruelty to children.

[Approved May 30, 1913. In effect immediately.]

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

SECTION 1. Section 607e of the Civil Code of the State of California is hereby amended to read as follows:

Compensation of societies for prevention of cruelty.

Section 607e. Every society, incorporated and organized for the prevention of cruelty to animals, or for the prevention of cruelty to children, may, in each city, or city and county, or county, where such society exists, while actively engaged in enforcing the provisions of the laws of this state, now or hereafter enacted, for the prevention of cruelty to animals or children, or arresting, or prosecuting offenders thereunder or preventing cruelty to animals or children, be paid as compensation therefor, from the city or county, or city and county general fund, by the board of supervisors or other governing body thereof, a sum not exceeding five hundred dollars per calendar month, in the same manner as other claims against said city or county, or city and county, are paid.

Urgency measure.

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section 1, article IV of the constitution, and is deemed necessary for the immediate preservation of the public peace and safety. The following is a statement of facts constituting such necessity: Section 607e of the Civil Code permits societies organized for the prevention of cruelty to animals to make arrests, carry on prosecutions and collect fines and under the provisions of this section numerous societies have been organized and are being operated in such a manner as to be a menace to the public peace and safety. Arrests are being made and property seized without prosecution of the charges made, citizens are being forced to pay tribute to outlaw societies to escape persecution, and peace officers are urging the immediate withdrawal of the right of these societies to collect fines because of their greatly increased activity in these practices, pending the time when this bill may become law.

CHAPTER 326.

An act to regulate the use and operation of vehicles upon the public highways and elsewhere; to provide for the registration and identification of motor vehicles and for the payment of registration fees therefor; to provide for the licensing of persons operating motor vehicles; to prohibit certain persons from operating vehicles upon the public highways; to prohibit the possession or use of a motor vehicle without the consent of the owner thereof, and to prohibit the offer to or acceptance by certain persons of any bonus or discount or other consideration for the purchase of supplies or parts for motor vehicles, or for work or repair done thereon; to provide penalties for violations of provisions of this act, and to provide for the disposition of fines and forfeitures imposed thereon; to provide for the disposition of registration and license fees, fines and forfeitures collected hereunder; to provide for carrying out the objects of this act and to make an appropriation and to create a revolving fund therefor; and to repeal all acts or parts of acts either in conformity or in conflict with this act.

[Approved May 31, 1913. In effect December 31, 1913.]

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

SECTION 1. The words and phrases used in this act shall, for the purposes of this act, unless the same be contrary to or inconsistent with the context, be construed as follows: (1) "motor vehicle" shall include all vehicles propelled otherwise than by muscular power, except such vehicles as run upon rails or tracks; (2) "automobile" shall include all motor vehicles excepting motoreycles; (3) "motoreycle" shall include all motor vehicles designed to travel on not more than three wheels in contact with the ground and upon which the rider sits astride; (4) "public highways" shall include any highway, county road, state highway or state road, public street, avenue, alley, park, parkway, driveway, or public place in any county or incorporated city and county, city or town; (5) "business district" shall mean the territory of any county or incorporated city and county, city or town, contiguous to public highway, which is at that point mainly built up with structures devoted to business; (6) "closely built up" shall mean the territory of any county or incorporated city and county, city or town, contiguous to a public highway not devoted to business where for not less than a quarter of a mile, the dwelling houses on such highway average less than one hundred feet apart; *provided*, that the local authorities having charge of such highway shall have placed conspicuously thereon at both ends of such closely built up section signs of sufficient size to be easily readable by a person using the highway, bearing the words "Slow down to _____ miles" (inserting

Defini-
tions.

Definitions.

in the blank space preceding the word "miles" the rate of speed prescribed by law and also an arrow pointing in the direction of the territory where the speed is to be reduced); (7) "local authorities" shall include all boards of supervisors, trustees or councils, committees, and other public officials of counties, incorporated cities and counties, cities or towns; (8) "chauffeur" shall mean any person who operates a motor vehicle, and who directly or indirectly receives pay or any compensation whatsoever for such operation, or for any work or service in connection with motor vehicles, excepting only manufacturers, agents, proprietors of garages, and dealers who do not operate for hire; *provided, however*, that an employee of a manufacturer or of a dealer whose principal occupation is that of a salesman shall be exempted from this definition and shall be designated as an operator; *provided, further*, that a person operating a motorcycle shall not be considered as a chauffeur unless such motorcycle is of greater weight than four hundred pounds unladen; (9) the term "state" as used in this act, except where otherwise expressly provided, shall also include the territory, federal districts and insular possessions of the United States; (10) "non-residents" shall apply to residents of other states or countries having no regular place of abode or business in this state for a period of more than three months in the calendar year; (11) "owner" shall also include any person, firm, association, or corporation renting a motor vehicle or having the exclusive use thereof under a lease or otherwise; (12) "manufacturer" or "dealer" shall signify a person, firm, association, or corporation having in his, its or their possession motor vehicles for sale or trade and for use and operation pursuant thereto, and shall be considered owners of motor vehicles manufactured or dealt in by them for the purposes of this act, prior to sale and delivery thereof, and of all motor vehicles in their possession and operated by them or by their employes; (13) "garage" shall mean every place of business where motor vehicles are received for housing or storage for compensation, and excepting only such places in which motor vehicles are kept by the owners thereof, not being dealers, without payment for storage; (14) "magistrate" shall be deemed and understood to mean and include all justices of the peace, judges of city or city and county criminal courts, police justices, city recorders, mayors, and all other officers having the powers of a committing magistrate; (15) "intersecting highway" shall mean any highway which joins another at an angle, whether or not it crosses the other; (16) "operator" shall mean any person other than a chauffeur, who operates a motor vehicle; (17) "person" shall include any corporation, association, copartnership, company, firm, or other aggregation of individuals which owns or controls any motor vehicle as owner, or for the purpose of sale, or for renting as agent, salesman or otherwise. Department as used in this act shall mean the state department of engineering.

SEC. 2. Fire engines and fire patrol apparatus, police patrol wagons, municipal or county ambulances and such self-propelling vehicles as are used neither for the conveyance of persons for hire, pleasure, or business, nor for the transportation of freight, such as road rollers, street or road sprinklers and traction engines, are excepted from the provisions of this act, except where otherwise expressly provided.

Fire engines, etc., excepted.

SEC. 3. Every owner of a motor vehicle which shall be operated or driven upon the public highways of this state shall for each motor vehicle owned, except as herein otherwise expressly provided, cause to be filed by mail or otherwise with the state treasurer or his duly authorized agent, an application for registration on a blank to be furnished by the state department of engineering for that purpose, containing, in addition to such other particulars as may be required by the said department, a statement of the name, place of residence and address of the applicant, with a brief description of the motor vehicle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power and the amount of such motor power stated in figures of horsepower; and with such application shall be deposited the proper registration fee as provided in section seven of this act.

Application for registration filed with state treasurer.

SEC. 4. Upon the receipt of an application for registration of a motor vehicle as provided in this act, the state treasurer shall transmit the same to the said department with the endorsement thereon that the fee required by section seven of this act has been paid to him or his duly authorized agent and thereupon the said department or its duly authorized agent, if satisfied that the proper fee has been paid, shall file such application and shall alphabetically, and also numerically, register such motor vehicle or vehicles with the name, residence and business address of the owner, manufacturer, or dealer, as the case may be, together with the facts stated in such application, in a book or on index cards to be kept for the purpose under a distinctive number assigned to such motor vehicle by the said department or its duly authorized agent, which book or index cards shall be open to inspection by the public during reasonable business hours.

Application transmitted to department of engineering.

Vehicles registered.

SEC. 5. Upon the filing of such application and the payment of the fees provided in this act, the said department or its duly authorized agent shall assign to such motor vehicle a distinctive number, and shall issue and deliver to the owner or applicant a seal of aluminum, or other suitable metal, in such form as may be selected by the said department, not less than two inches in its shortest diameter, having stamped thereon the words "Registered Motor Vehicle No. —, Cal., 19—," with the registration number and the year for which such seal is issued inserted therein, the form of which seal shall be uniform for any one year, and may be altered by the said department from year to year; which seal shall thereafter at all times be conspicuously displayed on the motor vehicle to which the number has been assigned; *provided, further*, that in the event

Number given each vehicle.

Seal.

Duplicate.

of the loss, mutilation or destruction of any such seal, the owner of a registered motor vehicle may obtain from the said department or its duly authorized agent a duplicate thereof upon filing with the said department or its duly authorized agent an affidavit showing the facts and upon the payment of the fee provided herein for such duplicate.

Annual
registra-
tion.

SEC. 6. Such registration shall be renewed annually in the same manner and upon payment of the same fee as provided for original registration, such renewal to take effect on the first day of January of each year. Number plates and seals furnished by the said department as provided by this act shall be valid only for the calendar year for which they are issued.

Fees.

SEC. 7. The state treasurer shall collect fees as follows: For the registration of every motorcycle, including the right of the owner thereof to operate the vehicle, two dollars. For the registration of every automobile of less than twenty horsepower, five dollars. For the registration of every automobile of twenty horsepower and above, but less than thirty horsepower, ten dollars. For the registration of every automobile of thirty horsepower and above, but less than forty horsepower, fifteen dollars. For the registration of every automobile of forty horsepower and above, but less than fifty horsepower, twenty dollars. For the registration of every automobile of fifty horsepower and above, but less than sixty horsepower, twenty-five dollars. For the registration of every automobile of sixty horsepower and above, thirty dollars.

Dealers.

For the registration of motor vehicles owned by or under the control of a manufacturer of or dealer in motor vehicles, if such persons operate upon the public highways not more than five automobiles, fifty dollars and ten dollars for every automobile in excess of five so operated. For the registration of all of the motorcycles owned by or under the control of a manufacturer of or dealer in motorcycles who does not manufacture or deal in automobiles, including five seals to be furnished with the certificates of registration, five dollars. For the registration of every automobile and of the motor vehicles owned by or under the control of a manufacturer of or dealer in motor vehicles, who applies therefor during the period beginning with the first day of August and ending on the thirty-first day of December, in any year, one half of the foregoing fees. For the substitution of the registration of an automobile for that of a vehicle previously registered in accordance with the provisions of this act, two dollars. For the substitution of the registration of a motorcycle for that of a motorcycle previously registered in accordance with this act, one dollar. For every original chauffeur's license, two dollars.

Substitu-
tion of
registra-
tion.

Chauffeur's
license.

Additional
seals.

For the renewal of any chauffeur's license to operate automobiles, two dollars. For every additional seal of registration or license, fifty cents. For every additional number plate furnished to replace such plates as have been lost or mutilated, or which are illegible, and for every additional

number plate furnished to a manufacturer of or dealer in motor vehicles whose business requires more than five pairs of such plates, seventy-five cents. For every additional seal furnished to replace such seals as have been lost or mutilated, or which are illegible, and for every seal furnished to a manufacturer of or dealer in automobiles for use on motorcycles owned by or under the control of such persons, fifty cents; *provided, however*, that the state department of engineering may furnish without charge copies of seals of registration and licenses to operate, and copies of other documents relating thereto, to officers of the state or of any court thereof or of a city or town therein.

To state
officers.

SEC. 8. Upon the transfer of ownership of any motor vehicle its registration shall expire, and the person in whose name such vehicle is registered shall forthwith return the seal of registration to the state treasurer with a written notice containing the date of such transfer of ownership and the name, place of residence and address of the new owner. A person who transfers the ownership of a registered motor vehicle owned by him to another, upon the filing of a new application and upon payment of the proper fees, may have registered in his name another motor vehicle for the remainder of the calendar year; *provided*, the horsepower of such motor vehicle is the same as that of the motor vehicle first registered by him, or if the vehicle sought to be registered is a motorcycle; but if the horsepower of the automobile is greater than that of the automobile first registered by him, the applicant shall pay, in addition to the said fee, the difference between the fee paid by him for the said vehicle first registered and the fee for the registration of an automobile of the higher horsepower, as provided in section seven of this act. A person who before the first day of August in any calendar year transfers the ownership or loses possession of an automobile registered in his name and who applies for the registration of another motor vehicle of less horsepower than that of the vehicle so transferred shall be entitled, upon payment of the proper fees set forth in section seven of this act, to a rebate equivalent to one half the difference between the respective fees for the higher and lower horsepower, and a person under like conditions who does not apply for the registration of another automobile but who on or before the first day of September in the same calendar year files in the office of the state treasurer a written application for rebate shall be entitled to a rebate of one half the fee paid for the registration of such vehicle; *provided, however*, that no such rebate shall be paid except upon a certificate filed with the state board of control, setting forth the facts, and signed by the state department of engineering, and that the rebate shall be paid out of the motor vehicle fund. The said department at its discretion, may assign to the motor vehicle of any person who surrenders his registration seal as herein provided and who desires to register another motor vehicle, the register number of the motor vehicle described in the surrendered seal. The said depart-

Expiration
of registra-
tion on
transfer of
vehicle.

Rebates.

Reassign-
ment of
numbers.

Number
plates.

ment shall furnish without charge to every person whose automobile is registered as aforesaid, who shall apply therefor two number plates of suitable design, each number plate to have displayed upon it the register number assigned to such vehicle, and one number plate of suitable design shall likewise be furnished by the said department for every motorcycle. If the said department shall determine at any time that for any reason a motor vehicle is unsafe or improperly equipped or otherwise unfit to be operated, it may refuse to register such vehicle, and said department may for a like reason revoke any registration already recorded. The horsepower of every automobile sought to be registered shall be determined by the said department, and such determination shall be final and conclusive. The registration of every motor vehicle shall expire at midnight upon the thirty-first day of December in each year.

Refusal to register unsafe machines.

Horsepower.

Expiration of registration.

General distinguishing mark for dealers.

SEC. 9. Every manufacturer of or dealer in motor vehicles may make application to the state treasurer or his duly authorized agent, by mail or otherwise, upon a blank provided by the department of engineering for a general distinguishing number or mark, instead of registering each motor vehicle owned or controlled by him, and with such application shall be deposited the proper registration fee, as provided in section seven of this act; and the said department may grant the application, if satisfied of the facts stated in the application, and issue to the applicant a certificate of registration containing the name and business address of the applicant and the general distinguishing number or mark assigned to him, and made in such form and containing such further information as the said department may determine; and all motor vehicles owned or controlled by such manufacturer or dealer shall be regarded as registered under such general distinguishing number or mark until sold or let for hire or loaned for a period of more than ten successive days. The said department shall furnish transportation charges to the address of any applicant within the state prepaid, without charge to every manufacturer of or dealer in automobiles whose vehicles are registered in accordance with the provisions of this section five pairs of number plates of suitable design, the plates to have displayed upon them the register number which is assigned to the motor vehicles of such manufacturer or dealer, with a different letter or letters or mark on each pair of number plates.

Not applicable to non-residents.

SEC. 10. The provisions of this act, whether hereinbefore or hereinafter contained, relative to registration and the display of registration or license numbers, shall not apply to a motor vehicle owned by a non-resident of this state who is only temporarily within this state, other than a foreign corporation doing business in this state; *provided*, that the owner thereof shall have complied with the provisions of the law of the foreign country or state of his residence relative to motor vehicles and the registration and operation thereof, and shall conspicuously display upon said motor vehicle, while operated upon the public highways of this state, his registration num-

ber as required by the provisions of the laws of said foreign country or state; *and provided, further*, that the registration number plate of such other country or state shall be displayed on such motor vehicle substantially as provided in this act for motor vehicles registered pursuant to the provisions hereof.

SEC. 11. No person shall operate or drive a motor vehicle on the public highways of this state unless such vehicle shall at all times have the distinctive number assigned to it by the said department or its duly authorized agent conspicuously displayed both on the front of said vehicle and at the back thereof, upon a number plate of such size, form and character as provided by the said department securely fastened to such vehicle so as to prevent the same from swinging, at a minimum distance of sixteen inches from the ground; and no person shall attach to or display on such vehicle any number plate or seal assigned to it under any motor vehicle law than this act, or any other number plate or seal than that assigned for the current year, or a fictitious number plate or seal; *provided*, that one number plate shall be displayed upon every motorcycle in a conspicuous position securely fastened to the rear wheel guard of such motorcycle, or other secure position at the rear thereof, so as to be plainly visible; *and provided, further*, that all letters, numbers, seals, and other identification marks shall be kept clear and distinct, and free from grease, dust or other blurring matter, so that they shall be plainly visible at all times during daylight and under artificial light in the night time.

Number plates must be displayed.

On motor-cycles.

Numbers kept clear.

SEC. 12. Every motor vehicle shall be equipped with a bell, gong, horn, whistle or other device in good working order, capable of emitting an abrupt sound adequate in quality and volume to give warning of the approach of such vehicle to pedestrians and to the riders or drivers of animals or of other vehicles and to persons entering or leaving street, interurban and railroad cars. No person shall sound such bell, gong, horn, whistle or other device for any purpose except as a warning of danger.

Gongs, horns, bells, etc.

SEC. 13. (a) Every motor vehicle other than a motorcycle while in use shall carry during the period from a half hour after sunset to a half hour before sunrise, and at all times when fog or other atmospheric conditions render the operation of vehicles unusually dangerous to the traffic and use of the highway, at least two lighted lamps showing white lights visible under normal atmospheric conditions at least five hundred feet in the direction toward which said motor vehicle is proceeding, and shall also carry at the rear of each motor vehicle a lighted lamp exhibiting one red light plainly visible for a distance of five hundred feet toward the rear, and so placed that the number carried on the rear of such motor vehicle shall be illuminated by a white light in such manner that such number can be plainly distinguished under normal atmospheric conditions at a distance of not less than fifty feet in the reverse direction to which such vehicle is proceeding.

Lights on automobiles.

On motor-cycles.

(b) Every motorcycle while in use shall carry during the period from a half hour after sunset to a half hour before sunrise and whenever fog, or other atmospheric conditions, render the use of the highway by vehicles unusually dangerous to the traffic and use of the highway, at least one lighted lamp showing a white light visible under normal atmospheric conditions at least two hundred feet in the direction toward which the motorcycle is proceeding, and shall also carry at the rear of such motorcycle one red light or one red reflex mirror plainly visible from the rear.

Brakes.

SEC. 14. All motor vehicles must be provided at all times with adequate brakes kept in good working order.

Studs, etc., on tires.

SEC. 15. No tire on any motor vehicle or on any other vehicle shall have on its periphery any block, stud, cleat, ridge, bead or any other protuberance of metal which projects more than one fourth of an inch beyond the tread or traction surface of the tire, but this section shall not be so construed as to prohibit the use of tire chains of reasonable proportions on motor vehicles when required for safety because of snow, ice, or other conditions tending to cause such vehicles to slide or skid, nor so as to prevent the use of traction engines with cleats on the driving wheels thereof on dirt or unimproved roads.

Chains.

Mufflers, etc.

SEC. 16. Every motor vehicle must have devices in good working order which shall be at all times in constant operation to prevent excessive or unusual noise, annoying smoke and the escape of gas, steam or oil, as well as the falling out of residue from fuel, and all exhaust pipes carrying exhaust gases from the engine shall be directed parallel to the ground or slightly upward. Devices known as "muffler cut-outs" shall not be used within the limits of any incorporated city and county or city within the state.

Intoxicated drivers.

SEC. 17. No intoxicated person shall operate or drive a motor or other vehicle upon any public highway within this state.

Owner's consent.

SEC. 18. No person shall operate a motor vehicle without the consent of the owner thereof.

Chauffeurs must be licensed.

SEC. 19. No person shall employ for hire as a chauffeur of a motor vehicle any person not licensed as in this act provided. No person shall allow a motor vehicle owned by him or under his control to be operated by any person who has no legal right to do so, or in violation of the provisions of this act. No person having control or charge of a motor vehicle shall allow such vehicle to stand in any public street or public highway unattended without first locking or making it fast or effectively setting the brakes thereon, and stopping the motor of said vehicle.

Operation on highway.

SEC. 20. (a) The driver or operator of any vehicle in or upon any public highway shall drive or operate such vehicle in a careful manner with due regard for the safety and convenience of pedestrians and all other vehicles or traffic upon such highway, and wherever practicable shall

travel on the right hand side of such highway. When two vehicles are passing each other in opposite directions they shall have the right of way, and no other vehicle to the rear of either of such two vehicles shall pass or attempt to pass such two vehicles, and on all occasions the driver or operator of any vehicle, in or upon any public highway shall travel upon the right half of such highway when the road ahead on the left-hand side is not clear and unobstructed for at least one hundred yards, and for the purposes of this section the term "vehicle" shall include every wagon, hack, coach, carriage, omnibus, push-cart, bicycle, tricycle, automobile, sleigh, or other conveyance, except baby carriages, railroad, street and interurban railway cars, in whatever manner or by whatever force or power the same may be ridden, driven or propelled, which is or may be used for or adapted to pleasure riding or the transportation of passengers, baggage, merchandise or freight, upon the highway.

Vehicles passing in opposite directions.

"Vehicle" defined.

(b) Vehicles proceeding in opposite directions shall pass each other to the right, giving as nearly as possible one half the road to each.

(c) Vehicles overtaking other vehicles proceeding in the same direction shall pass to the left thereof and shall not again drive to the right until reasonably clear of such overtaken vehicle.

Passing in same direction.

(d) It shall be the duty of the driver, rider or operator of a vehicle about to be overtaken to give way to the right in favor of the overtaking vehicle, on suitable and audible signal being given by or on behalf of the operator, driver or other person in charge and control of such overtaking vehicle if such overtaking vehicle be a motor vehicle.

Duty of driver passed.

(e) Excepting where controlled by such traffic ordinances or regulations enacted by local authorities as are permitted under this act vehicles approaching an intersecting road, street or highway shall be under control by the operators thereof so as to permit the vehicle on the right of the vehicle approaching to first cross such intersecting road, street or highway.

At intersecting roads.

(f) It shall be the duty of the person operating or in charge of an overtaking vehicle to sound audible and suitable signal before passing a vehicle proceeding in the same direction.

Signal of pursuing vehicle.

(g) All vehicles approaching an intersection of a street, road or highway, with the intention of turning thereat shall in turning to the right keep to the right of the center of such intersection and in turning to the left shall run to and beyond the center of such intersection, passing to the right thereof before turning such vehicle toward the left.

Turning at intersections.

(h) In all passing and overtaking such assistance shall be given by the occupants of each vehicle respectively to the other as the circumstances shall reasonably demand in order to obtain clearance and avoid accidents; every person having control or charge of any motor vehicle or other vehicle upon any public highway and approaching any vehicle drawn by a horse or horses, or any horse upon which any person is riding,

Precaution against frightening horses.

shall operate, manage and control such motor vehicle or other vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of any such horse or horses and to insure the safety and protection of any person riding or driving the same; and if such horse or horses appear frightened the person in control of such motor vehicle or other vehicle shall reduce its speed, and if requested by signal or otherwise by the driver or rider of such horse or horses shall not proceed further toward such animal or animals unless such movement be necessary to avoid accident or injury until such animal or animals be under the control of their driver or rider.

Slowly moving vehicles, to the right.

(i) The person in control of any vehicle moving slowly along and upon any public highway shall keep such vehicle as closely as practicable to the right hand boundary of the highway, allowing more swiftly-moving vehicles reasonably free passage to the left.

Turning, stopping, etc., on highway.

(j) The person in charge of any vehicle in or upon any public highway shall, before turning, stopping or changing the course of such vehicle, and before turning such vehicle when starting the same, first see that there is sufficient space for such movement to be made in safety, and if the movement or operation of other vehicles may reasonably be affected by such turning, stopping or changing of course, shall give plainly visible or audible signal to the persons operating, driving or in charge of such vehicles of his intention so to turn, stop or change his course.

Passing street cars.

(k) In passing railroad, interurban or street cars operated in any city, town or village in this state, vehicles shall be operated with due care and caution so that the safety of passengers alighting from or boarding such car shall be protected, and for that purpose said vehicle shall be brought to a full stop if reasonably necessary to attain the objects of this subdivision.

Motor vehicles on mountain roads.

(l) Every motor vehicle when moving in defiles, canyons or mountain passes where the curvature of the road or highway prevents a clear view for a distance of one hundred yards shall be held under control and not permitted to coast and the operator thereof in approaching curves shall give a warning of his approach with frequent blasts or strokes of horn, bell, whistles, gong or other adequate signaling device, and upon all curves to the right shall keep to the inside of said curve and upon all curves to the left shall keep to the outside of said curve.

Police patrol, fire engines, etc., have right of way.

(m) Police patrol wagons, police ambulances, fire patrols, fire engines and fire apparatus shall in all cases while being operated as such, have right of way, with due regard to the safety of the public; but this provision shall not protect the driver or operator of any such vehicle or his employer or principal from the consequence of the arbitrary exercise of this right or for injuries wilfully inflicted.

Traction engines.

(n) *Provided*, that this section shall apply also to traction

engines, road rollers and to other self-propelling vehicles, excepting as in this article specifically excepted, where used neither for the conveyance of persons for hire, pleasure or business, nor for the transportation of freight.

SEC. 21. In case of accident or injury to person or property on the public highways due to the operation thereon of any vehicle the person operating, driving or otherwise in control of the same shall stop, and upon request of the person injured or whose property has suffered injury, or any other person present, shall give such person his name and address and the registration number of his vehicle if it be a motor vehicle and if such person operating, driving or otherwise in control of such vehicle is not the owner thereof, his license number, if he is an operator or chauffeur, and the name and address of the owner of such vehicle.

In case of accident.

SEC. 22. (a) No races or contests for speed, whether on a bet or wager or otherwise, shall be held upon any public highway within this state without the permission of the proper authorities of the state, county, city and county, city or town, having jurisdiction over such portion of the highway as is intended to be used for such race or contest, and unless such highway is fully and efficiently patrolled for the entire distance over which such race or contest for speed is to be held.

No road races without permission.

(b) Every person operating or driving a motor or other vehicle on the public highways of this state shall operate or drive the same in a careful and prudent manner and at a rate of speed not greater than is reasonable and proper, having regard to the traffic and use of the highway, and no person shall operate or drive a motor or other vehicle on a public highway at such rate of speed as to endanger the life or limb of any person or the safety of any property; *provided*, that it shall be unlawful to drive at a rate of speed in excess of thirty miles an hour; *and provided, further*, that in any event no person shall operate or drive a motor or other vehicle on any public highway where the territory contiguous thereto is closely built up, at a greater rate of speed than one mile in three minutes, or in the business district of any incorporated city and county, city or town, at a greater rate than one mile in four minutes, or at a greater rate of speed than one mile in six minutes where the operator's or chauffeur's view of the road traffic is obstructed either upon approaching an intersecting way, or in traversing a crossing or intersection of ways, or in approaching or traversing a bridge, dam, trestle, causeway or viaduct, or in going around corners or a curve in a street or highway.

Rate of speed.

SEC. 23. The state engineering department may suspend or revoke the registration of any motor vehicle or the license issued to any person under the provisions of this act, after due hearing, for any cause which it may deem sufficient, and may order the seal and number plate or license to be delivered to it whenever it appears upon hearing that the holder thereof is an improper or incompetent person to operate motor vehicles, or is operating a motor vehicle improperly or so as to endanger

Suspension or revocation of registration for cause.

the public; and neither the registration seal nor the license shall be reissued unless, after a hearing, the said department determines that the operator or chauffeur should again be permitted to operate.

Applica-
tion,
form, etc.,
of license.

SEC. 24. Application to operate motor vehicles may be made by mail or otherwise to the state treasurer upon blanks prepared by the state department of engineering. The fees provided in section seven shall accompany the application. To each person shall be assigned some distinguishing number or mark and the licenses issued shall be in such form as the said department may determine; they shall contain the distinguishing number or mark assigned the licensee, his name, place of residence and address, and a brief description of the licensee for the purposes of identification; and such other information as the said department shall deem necessary. Special licenses shall be issued to chauffeurs, but no such license shall be issued to any person less than sixteen years of age. Every person licensed to operate motor vehicles as aforesaid shall endorse his usual signature on the margin of the license in the space provided for the purpose, immediately upon the receipt of said license, and such license shall not be valid until so endorsed. The license issued to chauffeurs shall be valid for one year only from the date of issue. The said department shall furnish to every chauffeur so licensed a suitable metal badge with the distinguishing number assigned to him stamped thereon, without extra charge therefor, such badge to have stamped thereon the words "Registered Chauffeur No. ----- Cal." with the said license number inserted therein. This badge shall thereafter be worn by such chauffeur, affixed to his clothing in a conspicuous place, at all times when he is operating or driving a motor vehicle upon the public highway, but shall be valid only for a period of one year from the date of issuance. In case of the loss of such badge a duplicate will be issued by the said department on the sending of an affidavit showing the fact of loss and on payment of a fee of one dollar (\$1.00) to the state treasurer. An application for the annual renewal of a chauffeur's license shall be accompanied by the proper fee required by this act.

Chauf-
feur's
license,
etc.

Badge.

Register
of applica-
tions.

SEC. 25. Upon the receipt of an application as provided in section twenty-four of this act the department of engineering shall thereupon file the same, and register the applicant in a book or on index cards which shall be kept in the same manner, subject to public inspection, as the books or index cards for the registration of motor vehicles.

Use of
fictitious
name,
etc., pro-
hibited.

SEC. 26. No person shall use a fictitious name in applying for such chauffeur's license; nor shall any chauffeur, licensed as herein provided, voluntarily permit any other person to possess or use his license, or badge; nor shall any person while operating or driving a motor vehicle use or possess any license or badge belonging to another person, or a fictitious license or badge.

SEC. 27. No person shall operate or drive a motor vehicle

upon a public highway of this state after the thirty-first day of December, 1913, unless such person shall have complied in all respects with the requirements of this act; *provided, however*, that a non-resident operator or chauffeur who has complied with the provisions of the country or state of his residence relative to the operation of motor vehicles, shall be exempt from license hereunder for a period of three months; *provided, further*, that when operating a motor vehicle he shall wear a badge assigned to him in the country or state of his residence.

Persons operating motor vehicles must comply with act after December 31, 1913.

SEC. 28. Any person who shall drive or operate, or cause to be driven or operated, upon any public highway within the state, any motor vehicle not his own, with or without intent to steal the same, in the absence of the owner thereof and without such owner's consent, shall be guilty of a felony; *provided, however*, that this section shall not be applicable to motor vehicles, the fair value of which at the time of the commencement of such unauthorized use is less than three hundred dollars.

Unauthorized use of vehicle a felony.

SEC. 29. Any person who, with or without intent to steal, shall drive or operate, or cause to be driven or operated, upon any public highway within this state, any motor vehicle not his own, of a fair value, at the time of the commencement of such unauthorized use, of less than three hundred dollars (\$300), in the absence of the owner thereof and without such owner's consent, shall be guilty of a misdemeanor.

Unauthorized use of machine worth less than three hundred dollars a misdemeanor.

SEC. 30. (a) Any person who shall, individually or in association with one or more others, wilfully break, injure, tamper with or remove any part or parts of any motor vehicle, for the purpose of injuring, defacing or destroying such vehicle, or temporarily or permanently preventing its useful operation, or for any other purpose against the will or without the consent of the owner of such vehicle, or who shall in any other manner wilfully or maliciously interfere with or prevent the running or operation of such vehicle, shall be guilty of a misdemeanor.

Breaking, injuring, etc., vehicle a misdemeanor.

(b) Any person who shall, without consent of the owner, or person in charge, of a motor vehicle, climb upon or into such vehicle, whether the same be in motion or at rest; or who, while such vehicle is at rest and unattended, shall attempt to manipulate any of the levers, the starting crank, brakes, or mechanism thereof, or to set said vehicle in motion shall be guilty of a misdemeanor.

Getting into vehicle etc., without consent misdemeanor.

SEC. 31. No chauffeur or other person having the care of a motor vehicle for the owner shall receive or take, directly or indirectly, without the written consent of such owner, any bonus, discount or other consideration for supplies or parts furnished or purchased for such motor vehicle, or on any work or labor done thereon by others, or on the purchase of any motor vehicle for his employer; and no person furnishing such supplies or parts, work or labor, or selling any motor vehicle shall give or offer any such chauffeur or other person

Chauffeur prohibited from receiving bonus on supplies, etc.

having the care of a motor vehicle for the owner thereof, directly or indirectly, without such owner's written consent, any bonus, discount, or other consideration thereon. Any person violating this section shall be guilty of a misdemeanor.

Penalty.

SEC. 32. Excepting as in this act otherwise expressly provided, any person violating any of its provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof unless in this act otherwise expressly provided, shall be punishable by a fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days, or both, for the first offense; and punishable by fine of not less than fifty dollars nor more than one hundred dollars, or imprisonment not exceeding thirty days, or both, for a second offense; and punishable by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, or imprisonment not exceeding thirty days, or both, for a third or subsequent offense.

Penalty for violating section 28.

SEC. 33. Any person violating any of the provisions of section 28 of this act shall, on conviction thereof, be punishable by imprisonment in the state prison for a term of not less than one year nor more than five years.

False statement in application.

SEC. 34. (a) Any person who wilfully, with intent to deceive, makes a false statement in his verified application for license as chauffeur, shall be guilty of a misdemeanor.

Penalty for driving vehicle while intoxicated.

(b) Any person operating or driving a motor or other vehicle while intoxicated shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than ten dollars (\$10) nor more than two hundred dollars (\$200) or by imprisonment not exceeding thirty days, or both, for the first offense; and punishable by a fine of not less than twenty-five (\$25) dollars nor more than four hundred dollars (\$400), or imprisonment not less than ten nor more than sixty days, or both such fine and imprisonment, for a second offense; and punishable by imprisonment, without the alternative of fine of not less than thirty days nor more than ninety days, for a third or subsequent offense.

Owner's penalty for violating section 11.

(c) The owner of any motor vehicle driving the same or causing or suffering the same to be driven or operated on any public highway of this state, in violation of any of the provisions of section 11 of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punishable in the manner and to the extent provided in section 32 of this act; *provided, however*, that this subdivision shall not affect the liability to punishment of the person, other than the owner, driving or operating such motor vehicle.

Penalty for violating section 21.

(d) Any person violating any of the provisions of section 21 of this act shall be guilty of a misdemeanor; and on conviction thereof shall be punishable in the manner and to the extent provided in section 32 of this act; *provided, however*, that the fine for the first offense, in case a fine be imposed, shall not be less than fifty (\$50) dollars, and the term of

imprisonment, if a sentence of imprisonment be imposed, shall be not less than ten days.

(e) Any person, other than the owner, driving or operating a motor vehicle on any public highway of this state, knowingly violating any of the provisions of section 11 of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punishable in the manner and to the extent provided in section 32 of this act, but this subdivision shall not affect the liability to punishment of the person or persons owning such vehicle. Penalty for violating section 11.

(f) Any person violating any of the provisions of section 26 of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punishable in the manner and to the extent provided in section 32 of this act; *provided, however*, that the fine for the first offense, in case a fine be imposed, shall be not less than fifty (\$50) dollars, and the term of imprisonment, if a sentence of imprisonment be imposed, shall be not less than ten days. Penalty for violating section 26.

(g) Any person violating any of the provisions of section 31 of this act shall be guilty of a misdemeanor, and, on conviction thereof shall be punishable by a fine of not less than fifty dollars (\$50), nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not less than sixty days nor more than six months, or by both such fine and imprisonment; *provided, however*, that nothing in this section contained, excepting as therein expressly and specially provided, shall be deemed to modify or otherwise affect the liability to punishment of any and all persons violating any of the provisions of this act, as set forth and provided for in section 32 of this act. Penalty for violating section 31.

(h) In addition to all other punishments herein provided, the court may for a definite period suspend or revoke an operator's or chauffeur's license upon conviction of the licensee for violation of any of the provisions of this act. Additional penalties.

Sec. 35. All fees or other moneys paid to or collected by the state treasurer, under the provisions of this act, shall be placed in a fund which shall be known as the "motor vehicle fund," which fund is hereby created; *provided*, that one half of the net receipts under this act shall be returned to the counties from which received, as determined by the places of residence of the persons to whom the licenses are issued, and all such amounts returned shall be paid into the road funds of the several counties receiving the same. In the event that any county has not established a road fund, its proportion of the receipts shall be retained by the state until provision for such road fund has been made, and it shall then be paid over. For the purposes of this section the city and county of San Francisco shall be considered a county. Net receipts in the meaning of this section shall be the balance of receipts remaining after payment of all expenses in the administration and the enforcement of this act. In the months of January and July of each year the engineering department shall make to the controller a report setting forth the gross and net receipts for the preceding Fees paid into motor vehicle fund.
One half to counties.
Net receipts.
Semi-annual reports.

six months, and thereafter the controller shall draw his warrant upon the motor vehicle fund in favor of the county treasurer of each county for the amount to which such county is entitled. Any unexpended balance of money heretofore appropriated for the purpose of carrying out the objects of an act entitled "An act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this act," and all acts or parts of acts amendatory thereof, shall be placed under the control of the state department of engineering and the state controller shall transfer said money to said "motor vehicle fund," and all records now filed in the office of the secretary of state by reason and by virtue of said last named act, shall upon the taking effect of this act be turned over by the secretary of state to the state treasurer, and such portion thereof as may be deemed necessary by the state treasurer shall be retained by him and the remainder delivered to the department of engineering for its use.

Records in office of secretary of state turned over to engineering department.

Fines paid into good roads funds.

SEC. 36. Any and all fines or forfeitures collected by or in any court for violation of any of the provisions of this act, whether by a justice of the peace, police court, city recorder's court, city justice of the peace, or otherwise, shall be paid to the treasurer of the county or city and county, in which the court is held; whereupon the treasurer of the county or city and county, at intervals of not greater than once a month shall place such moneys in a fund to be called the "county good roads fund," or "city and county good roads fund," as the case may be, which shall be used by the highway commission of the county or city and county, as the case may be, or by the board of supervisors of the county or city and county, as the case may be, if in such county or city and county, there shall be no highway commission for the construction, improvement, maintenance and repair of such roads as shall be designated by said highway commission or board of supervisors, as the case may be, with regard to the proper and just distribution of the benefits of this act throughout the county or city and county.

Record of cases to be sent to engineering department.

SEC. 37. A full record shall be kept by every justice of the peace or police judge or court in this state of every case in which a person is charged with a violation of any provisions of this act or of any other act relative to motor vehicles or to the operation of such vehicles, and an abstract of such record shall be sent forthwith by the justice of the peace, or police judge or court to the state department of engineering. Said abstracts shall be made upon forms prepared by the department, which shall be obtained by the justice of the peace, or police judge or court from the county clerk of his county, and shall include all necessary information as to the parties to the case, the names of the offense, the date of the hearing, the plea, the judgment, the result, the amount of the fine or forfeiture as the case may be, and every such abstract shall be certified by the justice of the peace, police judge or clerk of such police

court as a true abstract of the record of the court. The said department shall keep such records in its office, and they shall be open to the inspection of any person during reasonable business hours. Justices of the peace and police judges and courts shall furnish to the department the details of all particularly flagrant cases which may be heard before them; and they may make such recommendations to the department as to the suspension or revocation of the licenses and seals of registration of the persons defendant in such cases as they may deem necessary.

SEC. 38. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of ten thousand dollars (\$10,000) to be used by the department of engineering in the employment of the necessary clerical and other help; the purchase of the necessary stationery, books and postage; for the necessary incidental expenses; for printing, ruling, binding, and other work performed and materials used by the state printing office and for the printing by the state printing office of one hundred and fifty thousand copies of this act, which said copies are to be distributed on demand, without charge, by the department. When there are sufficient moneys in the said "motor vehicle fund" to carry out the objects of this act to repay the state treasury the amounts expended by the department under this appropriation, the department shall notify the state controller, who, thereupon, shall retransfer to the general fund of the state from said "motor vehicle fund" the equivalent of the amounts so expended by the department and the unexpended balance of this appropriation. Moneys shall be drawn from said sum of ten thousand dollars (\$10,000), for the purposes named in this section upon warrants duly drawn by the controller of the state upon demands made by the department and audited by the state board of control.

SEC. 39. Of the moneys in said motor vehicle fund the department of engineering shall be authorized to expend ten thousand dollars, or as much thereof as may be needed, in payment of such expenses as are necessary to carry out the provisions of this act, and a sum not to exceed one thousand five hundred dollars of said ten thousand dollars may, when such action has been authorized by the board of control, be drawn without at the time furnishing vouchers and itemized statements; the sum so drawn shall be used as a revolving fund where cash advances are necessary, and at the close of each fiscal year, or at any other time, upon demand of the board of control, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and the controller; the engineering department shall have the power to appoint such assistance and help as it may, in its judgment, deem necessary, and shall fix their salaries and compensation and prescribe their duties. Also the state treasurer shall be authorized to expend \$5,000.00 annually, or so much thereof as may be needed, in the employment of the neces-

Appropriation.

Repayment of appropriation.

Expenditures.

Revolving fund.

Assistants' salaries.

sary clerical and other help, the purchase of stationery, books and postage, and such other expense as he may deem necessary in the collection of the said tax, the said amount to be transferred from the motor vehicle fund into a revolving fund; the remainder in such revolving fund, if any at the end of each fiscal year, to revert to the said motor vehicle fund. The remaining moneys in the motor vehicle fund shall be expended, under the sole direction of the department of engineering, for the maintenance of state highways without specific appropriation by the legislature, in addition to all sums already or hereafter appropriated by the legislature for the same purpose. Moneys shall be drawn from said motor vehicle fund for the purposes of this act upon warrants drawn by the controller of the state, upon demands made by the departments and audited by the state board of control.

Maintenance of highways.

Title of act.

Repealed

SEC. 40. This act shall be known and cited as the "motor vehicle act." An act entitled "An act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this act," approved March 22, 1905, and all acts or parts of acts amendatory thereof are hereby expressly repealed, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

Continuation of existing statutes.

SEC. 41. The provisions of this act, so far as they are the same as those of existing statutes, shall be construed as a continuation thereof, and not as new enactments; and a reference in a statute which has not been repealed to provisions of law which have been revised and re-enacted herein shall be construed as applying to such provisions as so incorporated in this act. The repeal of a law by this act shall not affect any act done, ratified or confirmed, or any right accrued or established, or any action, suit or proceeding begun under any of the laws repealed before the repeal took effect; but the proceedings in such case shall, when necessary, conform to the provisions of this act.

Constitutionality of act.

SEC. 42. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

In effect.

SEC. 43. Section 38 of this act and such provisions hereof as relate to the preparation and purchase of forms, supplies, and other work incident to the registration of motor vehicles and licensing the operators thereof shall take effect ninety days after the final adjournment of this session of the legislature, and the remainder of this act shall take effect at midnight on the thirty-first day of December, in the year one thousand nine hundred and thirteen.

CHAPTER 327.

An act declaring certain corporations, individuals or association of individuals engaged, directly or indirectly, in the transportation of crude oil or petroleum or the products thereof, for hire or otherwise, to be common carriers and public utilities and subject to the provisions of the act known as the public utilities act of the State of California, approved December 23, 1911.

[Approved June 4, 1913. In effect August 10, 1913.]

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

SECTION 1. Every private corporation and every individual or association of individuals:

(a) Owning, operating, managing or controlling any pipe line or any part of any pipe line, plant or equipment within the State of California for the transportation of crude oil or petroleum or the products thereof, either directly or indirectly, to or for the public, for hire, compensation or consideration of any kind, paid, given, extended or received, directly or indirectly, for such transportation, or engaged, directly or indirectly, in the business of so transporting the same; or

Companies
owning,
etc., oil
pipe lines
declared
common
carriers.

(b) Owning, operating, managing or controlling any pipe line or any part of any pipe line, plant or equipment for the transportation of crude oil, petroleum or the products thereof, directly or indirectly, to or for the public, for hire, compensation or consideration of any kind, paid or received, directly or indirectly, for such transportation, and which said pipe line, plant or equipment is constructed or maintained upon, along, over or under any public highway, and in favor of whom the right of eminent domain exists; or

(c) Owning, operating, managing or controlling, directly or indirectly, any pipe line or pipe lines, or any part of any pipe line or pipe lines, plant or equipment, or any pipe line system or any part thereof, for the transportation, directly or indirectly, to or for the public, for hire or otherwise, of crude oil, petroleum or products thereof, and which said pipe line, or pipe lines, or plant or equipment, or system, is, or are, constructed, operated or maintained across, upon, along, over or under the right of way of any railroad corporation or other common carrier required by law to transport crude oil, petroleum or products thereof as a common carrier; or

(d) Owning, using, operating, managing or controlling, directly or indirectly, or participating in the ownership, use, operation, management or control, directly or indirectly, under lease, contract of purchase, agreement to buy and sell, or other contractual or tacit agreement or arrangement of any kind or character whatsoever, of any pipe line, or pipe lines, or any part of any pipe line, or pipe lines, plant or equipment, or pipe line system, or any part of any pipe line system, for the transportation of crude oil, petroleum or the products thereof, of

and from, or of, or from any oil field or place of production within the State of California, to any distributing, refining, or marketing center or reshipping point thereof within said state, whereby, or under, or through which, directly or indirectly, such corporation, or any corporation or association of corporations, or individual or association of individuals secures, or is enabled to secure, or attempts to secure, or tends to secure, the control of, or monopoly of the purchasing of, or the control of, or monopoly of the transportation of such crude oil, petroleum or the products thereof;

Is hereby declared to be a common carrier and subject to the provisions of the act known as the "Public Utilities Act," approved December 23, 1911.

Companies
engaging
in trans-
portation
of crude
oil, etc.,
declared
common
carriers.

SEC. 2. Every corporation organized and existing under the laws of the State of California or under the laws of any other state to transport, or to engage in the business of transporting, within the State of California, any crude oil, petroleum or the products thereof, or for the purpose of acquiring, constructing, leasing, owning, maintaining or operating, directly or indirectly, or of controlling or participating in the control of any pipe line or pipe lines with pumping station or stations, or other appurtenant equipment or plant constructed and maintained, or to be constructed or maintained for the transportation of crude oil, petroleum or the products thereof, actually engaged or engaging in such operation or transportation, directly or indirectly, or shares, directly or indirectly, in the business of such operation or transportation, is hereby declared to be a common carrier and subject to the provisions of the "Public Utilities Act" of the State of California, approved December 23, 1911.

Pipe lines
declared
public
utilities.

SEC. 3. Any pipe line constructed, acquired, owned, operated, maintained, managed or controlled by any private corporation or individual or association of individuals for any of the purposes or under any of the conditions specified in section 1 or section 2 of this act, is hereby declared to be a public utility and subject to the provisions of the "Public Utilities Act" of the State of California, approved December 23, 1911.

Constitu-
tionality
of act.

SEC. 4. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Not ap-
plicable to
certain
companies.

SEC. 5. The provisions of this act are not to be construed as applying to any corporation, individual or association of individuals where the nature and extent of their business is such that the public needs no use in the same, and the conduct of the same is not a matter of public consequence.

CHAPTER 328.

An act to amend sections 1517, 1518, 1519, 1520, 1521 of the Political Code of the State of California, creating a state board of education, and prescribing its powers and duties; providing for the appointment of three assistant superintendents of public instruction and defining their duties; providing for the compensation of members of the state board of education and the assistant superintendents of public instruction; providing for the publication, compilation, manufacture and distribution of state school text-books; repealing sections 1522, 1874, and 1874a of the Political Code of the State of California, relating to the traveling expenses of the members of the state board of education, to the publication and distribution of a system of text-books, the appointment of a secretary of the state text-book committee and his compensation; and repealing all other laws or acts relating to the publication and distribution of state text-books in conflict with this act.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1517 of the Political Code is hereby amended to read as follows:

1517. There is hereby created a state board of education to consist of seven members, who shall be appointed by the governor and shall hold office for a term of four years; *provided*, that those members first appointed hereunder shall be appointed within thirty days after the taking effect of this act; one shall be appointed to serve for a term of one year; two for a term of two years; two for a term of three years; and two for a term of four years. Thereafter, all appointments shall be for a term of four years. Should any vacancy occur, such vacancy shall be filled by appointment by the governor, the person so appointed to hold office only for the balance of the period of time that his predecessor in office would have held had no vacancy occurred.

State board of education created.

Vacancies.

No appointive member of the state board shall during his term of office hold any salaried educational position.

SEC. 2. Section 1518 of the Political Code is hereby amended to read as follows:

1518. The superintendent of public instruction shall within thirty days after the appointment of the state board of education, as provided for in section 1517 of the Political Code, call a meeting of such board in his office and said board shall organize by electing one of its members president.

Meeting and organization of board.

The superintendent of public instruction shall be secretary of the board. Such secretary shall have charge of all correspondence and keep a record of its proceedings. The superintendent of public instruction shall act as the executive officer of the state board of education. It shall be the duty of

Superintendent of public instruction secretary.

Duties.

the state board of education to determine all questions of policy; it shall be the duty of the superintendent of public instruction to execute, under direction of the board, the policies which have been decided upon, and to direct, under such general rules and regulations as the state board of education may adopt, the work of all assistant superintendents of public instruction, and such other appointees and employees of the board as may be provided by law.

Meetings.

The board shall meet every three months at such time as it may by resolution determine, and special meetings may be called by the president. Upon the request of any two members in writing, the secretary shall call a special meeting. Notice of each meeting shall be given by the secretary by registered mail to each member of the board at least ten days prior to the time of any meeting, unless notice of such meeting is waived in writing by all members of the board.

Majority may act.

The concurrence of the majority of all the members of the state board shall be necessary to the validity of any of its acts.

At the first meeting, following any change in the membership of the board, said board shall again organize in accordance with the above provision.

Sec. 3. Section 1519 of the Political Code is hereby amended to read as follows:

Powers and duties.

1519. The powers and duties of the state board of education shall be as follows:

Rules and regulations.

First—To adopt rules and regulations not inconsistent with the laws of this state for its own government, for the government of its appointees and employees, for the government of the day and evening elementary schools, the day and evening secondary schools, the technical and vocational schools of the state and such other schools, excepting the University of California, as may receive in whole or in part financial support from the state. Such rules and regulations shall be published for distribution as soon as practicable after adoption.

Attendance of witnesses, etc.

Second—To issue subpoenas to compel the attendance of witnesses before the board, or any member thereof, in the same manner that any court in this state may; and whenever the testimony of any witness upon any matter pending before it is material, the president must cause the attendance of the witness before such board, or a member thereof, to testify concerning such matter, and the board may make a reasonable allowance therefor, not exceeding the fees of witnesses in civil cases, which must be paid for out of the appropriation for the contingent expenses of the board, but in no instance can an allowance be made in favor of a witness who appears in behalf of a claimant.

Seal.

Third—To adopt and use, in authentication of their acts, an official seal.

Assistant superintendents of public instruction.

Fourth—To appoint three assistant superintendents of public instruction, who shall not be subject to the provisions of any civil service law of the state, and who shall be known and designated as follows:

(a) One commissioner of elementary schools, who shall be experienced in teaching in and supervising elementary schools.

(b) One commissioner of secondary schools, who shall be experienced in teaching and who has been principal or supervisor of secondary schools.

(c) One commissioner of industrial and vocational education who has had experience as a supervisor of industrial or vocational education.

(d) The state board of education shall study the educational conditions and needs of the state; shall make plans for the improvement of the administration and efficiency of the public schools of the state; shall have power to conduct educational investigations and shall employ educational and business experts, within the limits of its appropriation therefor; shall annually require reports as to the activities of the superintendent of public instruction and the assistant superintendents, and such other employes as it may direct to report, for submission to the governor, and the same shall submit biennially, to the governor, on or before the fifteenth day of September next preceding the regular session of the legislature, a report of its transactions for the preceding two years, together with recommendations of its needs for the coming biennium, and such recommendations as to changes in laws or new educational legislation as may seem to it to be necessary.

Educational needs of state.

Report to governor.

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

Certificates to teach in high schools.

(b) To consider the cases of individual applicants who have taught successfully for a period of not less than twenty school months, and who are not possessed of the credentials prescribed by the board under the provisions of this section. The said board, in its discretion, may issue to such applicants special credentials upon which they may be granted certificates to teach in the high schools of the state. In such special cases, the board may take cognizance of any adequate evidence of preparation which the applicants may present. The standard of qualification in such special cases shall not be lower than that represented by the other credentials named by the board under the provisions of this section.

Cases of individual applicants.

(c) To grant life diplomas of four grades, valid throughout the state, as follows:

Life diplomas.

(1) High school: Authorizing the holder to teach in any primary or grammar or high school.

(2) Grammar school: Authorizing the holder to teach in any primary or grammar school.

(3) Kindergarten-primary: Authorizing the holder to teach in the kindergarten class of any primary school.

(4) Special: Authorizing the holder to teach in any school such special branches and in such grades as are named in such diploma.

Diplomas
to persons
who hold
county cer-
tificates.

(d) To issue, except as provided in sections fifteen hundred and three and seventeen hundred and seventy-five of this code, life diplomas only to such persons as have held for one year, and still hold, a valid county, or city and county, certificate, corresponding in grade to the grade of diploma applied for, and who shall furnish satisfactory evidence of having had a successful experience in teaching of at least forty-eight months. Not less than twenty-one months of said experience shall have been in the public schools of California. Every application must be accompanied to the state board of education by a certified copy of a resolution adopted by at least a three-fourths vote of all the members composing a county, or city and county, board of education, recommending that the diploma be granted, and also by an affidavit of the applicant, specifically setting forth the places in which, and the dates between which, said applicant has taught. The application for any credentials or diploma or document mentioned in this chapter must also be accompanied by a fee of two dollars, which fee must be paid into the state treasury to the credit of the appropriation for the expenses of the state board of education and used for the purpose of defraying the expense of issuing the credential, document or diploma.

Fee.

Revo-
cations of
life
diplomas.

(e) To revoke or suspend for immoral or unprofessional conduct, or for evident unfitness for teaching, life diplomas, documents issued under the provisions of sections fifteen hundred and three and seventeen hundred and seventy-five of this code, or credentials issued in accordance with subdivision two of this section; and to adopt such rules for said revocation as they may deem expedient or necessary.

Printing.

(f) To have done by the state printer, or other officer having the management of the state printing, any printing required by it; *provided*, that all orders for printing shall first be approved by the state board of control.

Compila-
tion of
text-
books.

Sixth—To compile in whole, or in part, and to manufacture such text-books as are now in use; to compile, or cause to be compiled, and manufacture such other additional text-books or books, as it may deem necessary or proper for use in the elementary schools of the state, as provided by section one thousand six hundred sixty-five of the Political Code; to purchase books when necessary, or lease plates, maps, engravings or copyright matter for use in manufacturing such text-books; contract for, or lease copyrights for use in compiling, printing or publishing such books; to provide for

the payment of royalties or for the leasing of plates or making the whole or any part of a book, and to do any or all things that may be necessary for the purpose of procuring a uniform series of text-books for use in the elementary day and evening schools of the state.

Seventh—Whenever any plates, maps, or engravings of any publisher or author are adopted for use, or whenever any books have been purchased, as hereinbefore provided, the state board of education shall enter into a contract for not less than four years nor more than eight years for the use of the same in the elementary day and evening schools of the state, and shall require a good and sufficient bond of the owner or owners of such books, plates, maps or engravings under a written guarantee that the same shall be kept revised and free from all errors and up to date as may be required by the state board of education.

Contract for use of plates, etc.

Eighth—The state board of education may secure copyrights in the name of the people of the State of California, to any book that may be compiled. Whenever any one or more of the state text-books shall have been compiled or purchased, published and adopted, the superintendent of public instruction, on the order of the state board of education shall issue an order to all county, city, city and county school superintendents by sending notices by registered mail to said superintendents who in turn shall notify the secretaries of all boards of education in the cities and the clerk of the board of school trustees and the teacher or principal in each school district, requiring the uniform use of such book, in the grades of the elementary day and evening schools for which they have been adopted, and when such order has thus been given and published, the same shall remain in force and effect for a term of not less than four nor more than eight years; *provided*, that such order for the uniform use of such book, shall not take effect until the beginning of the next fiscal year; namely, the first of July next following the issue of the order, or at such time thereafter as may be fixed by the state board of education; *provided*, that the book shall go into use at the beginning of a fiscal year.

Copyrights of books compiled.

Uniform use of books.

When a book has been adopted, the state board of education shall enforce the uniform use of such book, in the elementary day and evening schools for which said book has been adopted.

Ninth—Any teacher, or city, county, or city and county superintendent of schools or any board of education, refusing or neglecting to use said series of state text-books at the time required in the last preceding subdivision of this act, shall be guilty of a misdemeanor, and upon proof thereof of such refusal or neglect, shall be subject to a fine not exceeding one hundred dollars for each offense; *provided*, that nothing herein contained shall in any way restrict the additional use of such books as are now provided in section one thousand seven hundred twelve of the Political Code.

Refusal to use state texts, misdemeanor

Superintendent of state printing to supervise work, etc.

Tenth—The superintendent of state printing shall have supervision of all of the mechanical work connected with the printing of such books as may be compiled and adopted, subject to the approval of the state board of education or such representative of the state board of education as may be appointed to supervise such work. The superintendent of state printing shall print and bind such books in lots of not less than five thousand and turn them over to the state board of education at the warehouse, and receive payment therefor on the approval of the items of said cost by the state board of education or the duly authorized agent of said board, and upon the approval of the bill by the board of control. He shall furnish one copy of a cost-finding report showing items of work and the materials and the exact cost of each item for each of said lot of books, to the state board of education and one copy to the board of control. The superintendent of state printing shall on the first day of each month furnish to the state board of education a detailed statement showing the name and number of books published by him during the preceding month, and the number then in course of publication.

Cost-finding report.

Monthly report.

Price of books fixed.

Eleventh—On receiving a copy of the cost-finding report and estimated cost of the publishing of any book, the state board of education thereupon shall determine and fix the cost price of such books by adding to the cost of manufacture, the contract price to be paid as royalty or for the use of plates, maps, or engravings or copyrighted matter, and said price, to which has been added ten per cent of such price to cover overhead expense, shall be deemed to be the whole cost of publication of such book at Sacramento. The state board of education may provide for the sale at not less than cost price of state text-books to private schools, individuals, or dealers under such rules and regulations as may be adopted by said board of education; *provided*, that such books be not sold by dealers for more than the cost price at Sacramento, plus the postage, packing and cartage on such books, which price shall be established by said board of education.

Sale to private schools.

Orders for text-books.

Twelfth—All orders for text-books shall be forwarded to the superintendent of public instruction on blanks furnished by him. He shall investigate such orders and make necessary changes and forward the same to the person in charge of the warehouse and shipment of books with definite orders for shipment. He shall keep an accurate account of the amount of money received from the sale of text-books for each month and report to the controller on or before the fifth of the succeeding month, the number of books sold, or distributed, and the amount of money collected therefor, and shall pay such money into the treasury to the credit of the "school text-book fund." The amount fixed for royalty and costs of plates of copyright matter in favor of any company, or individual, shall be presented by the superintendent of public instruction to the state board of education for its approval. Said claim shall

Royalty payments.

be paid quarterly, in the same manner as other claims upon the state treasury, on the approval of the board of control.

Thirteenth—Upon closing a term of school, each teacher or principal shall prepare, upon requisition blanks furnished by the superintendent of public instruction, an order for the number of state text-books estimated to be required for use in the school under his charge at the opening of the ensuing term. Such order shall be a part of the annual report required by subdivision six of section one thousand six hundred ninety-six of the Political Code. The superintendent of schools shall in no case draw a requisition for the salary of any teacher for the last month of the school term until the order required by this subdivision has been filed and by him approved. Orders for additional books may be forwarded at any time on the approval of the county superintendent of schools.

Teacher's requisition of books needed.

In ordering free text-books, any teacher may order one copy of any series of books for use on the teacher's desk, if not supplied with such book, which copy shall be sent by the superintendent of public instruction free of cost with other school books.

Desk copy.

Fourteenth—On receiving orders from the superintendent of public instruction for text-books the person in charge of the warehouse and shipment of books shall forward by freight, express or mail, as directed by the superintendent of public instruction, to the nearest freight depot, express or post office, in the name of the clerk of the school district or the city superintendent of schools in cities, the number of books called for in said order.

Shipment of books.

Fifteenth—The appropriation heretofore made, known as the "text-book appropriation," shall be subject to the draft of the state board of education for necessary expenses incurred by it for office supplies, the hiring of expert assistants, and for other necessary expenses; *provided*, that all claims shall be presented to the board of control for its approval.

Appropriation subject to draft of board.

Sixteenth—All moneys that have been received or may hereafter be received from the sale of said series of state text-books to private schools or to dealers or persons or that may be appropriated by the legislature for publishing said series of state text-books, shall be kept by the state treasurer in a fund known as the "state school book fund." This fund shall be subject to the order of the state board of education for all expenses incurred by the superintendent of printing for all material, labor, and other expenses necessary for publishing state school text-books, and for all books purchased, for the cost of shipping free text-books, and for necessary employes in connection with such shipment as may be determined by the state board of education. All claims to be drawn, after being certified by the claimant and the items approved by the secretary of the state board of education shall be presented to the board of control for its approval, and upon the approval of said board of control, the state controller is hereby

State school book fund.

Claims.

authorized and directed to draw his warrant on the state treasurer, who is hereby directed to pay the same.

SEC. 4. Section 1520 of the Political Code is hereby amended to read as follows:

Visits to
elementary
schools.

1520. The commissioner of elementary schools shall visit the elementary day and evening schools of the several counties of the state, and investigate the course of study adopted in such schools. He shall enforce the use of the state text-books and shall report to the state board of education his findings, and shall make such recommendations to the state board of education as he may deem best, and shall perform such other duties as may be assigned by the superintendent of public instruction, under the direction of the state board of education.

Visits to
secondary
schools.

The commissioner of secondary schools shall visit and investigate the secondary day and evening schools of the several counties of the state. He may recommend changes in the courses of study and shall investigate all contracts with text-book companies and see that they comply with the law, and shall perform such other duties as may be assigned by the superintendent of public instruction under the direction of the state board of education.

Visits to
industrial
schools.

The commissioner of industrial and vocational education shall visit all the schools receiving financial support, in whole or in part, from the state, in which industrial and vocational education is given or contemplated. He shall have power to recommend changes to the various boards governing such schools, and shall present the state board of education a report of the work in such schools, and shall perform such other duties as may be assigned by the superintendent of public instruction under the direction of the state board of education.

SEC. 5. Section 1521 of the Political Code is hereby amended to read as follows:

Compensation.

1521. *First*—The members of the state board of education shall receive as compensation fifteen dollars (\$15) per day when the board is in session. They shall receive their actual and necessary traveling expenses.

Salary of
assistants.

Second—Each assistant superintendent of public instruction provided for by section 1519 of the Political Code shall receive a salary of four thousand dollars (\$4,000.00) per annum, payable at the same time and in the same manner as the salary of state officers is paid. They shall also receive their actual and necessary traveling expenses while on official business.

Clerical
help.

Third—Within their appropriation, the state board of education may appoint such clerical and other help as may from time to time be necessary.

Repealed.

SEC. 6. Sections 1522, 1874 and 1874a of the Political Code of the State of California and all other laws or acts relating to the publication and distribution of state text-books in conflict with this act are hereby repealed.

CHAPTER 329.

An act to amend section 4041 of the Political Code, relating to the general powers of boards of supervisors.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 4041 of the Political Code be and the same is hereby amended to read as follows: Powers of supervisors.

4041. The boards of supervisors, in their respective counties shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law:

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county and particularly those charged with the assessing, collecting, safekeeping, management, or disbursement of the public revenues; to see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection. Supervise work of county officers.

2. To divide the counties into townships election, school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires. Divide counties.

3. To establish, abolish, and change election precincts, and to appoint inspectors, clerks and judges of election, canvass all election returns, declare the result, and order the county clerks to issue certificates thereof; *provided*, that no election precinct shall be established or abolished or the boundaries of any election precinct changed within ninety days prior to any election. Establish election districts.

4. To acquire and take by purchase condemnation or otherwise land for the uses and purposes of public roads, highways, boulevards, turnpikes, and other public ways, and to lay out, maintain, control, construct, repair, and manage public roads, boulevards, highways, turnpikes and other public ways, and to incur a bonded indebtedness for any such purposes; *provided*, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of the county, at a special election called for that purpose, and two thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds; said election to be called and held and said bonds, if authorized, to be issued, sold and made payable in the manner and form prescribed by section 4088 of this code. Said boards shall also have power to make and enforce rules and regulations for the protection, management, control and use of such public boulevards, roads, highways, turnpikes and other public ways. Build roads.

4a. To construct, operate, manage or maintain summer bridges or ferries under such rules and regulations and at such times and places as they may deem necessary; such bridges or ferries to be paid for out of the county general fund. Maintain summer bridges.

Maintain
ferries.

5. To lay out, maintain, control, construct, repair and manage public ferries, wharves, chutes and other shipping facilities and bridges within the county, unless otherwise provided by law, and to grant franchises and licenses to collect tolls thereon.

Acquire
land for
court-
houses,
etc.

6. To purchase, receive by donation, lease or otherwise acquire water rights or real or personal property necessary for the use of the county, for a courthouse, jail, hospital, historical museum, art gallery and almshouse, public pleasure ground, public parks, and other public purposes, and also property upon which to sink wells to obtain water for sprinkling roads and other county purposes, and to improve, preserve, take care of, manage and control the same; *provided*, that no purchase of real property shall be made unless a notice of the intention of the board of supervisors to make such purpose, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the board will meet to consummate such purchase, has been published for at least three weeks in some newspaper of general circulation published in the county; or if none be published in the county, then that [notice] has been posted at least three weeks prior to the time when the board meets to consummate such purchase in at least three public places in each supervisorial district.

Build
hospitals,
etc.

7. To construct or lease, build or rebuild, furnish or re-furnish or repair hospitals and almshouses, courthouse, jail, historical museum, county free library building, branch library building, art gallery, and such other public buildings as may be necessary to carry out the work of the county government, and to provide all necessary officers, employes, attendants, and supplies for the proper maintenance of the same; *provided*, that a suitable graduate or graduates in medicine shall be appointed to attend to the indigent sick or dependent poor, or to the patients in such hospitals and almshouses. *provided, further*, that the board shall not let the care, maintenance, or attendance of such indigent sick or dependent poor by contract to any person. Whenever the cost of construction of any bridge, wharf, chute, or other shipping facilities, or of any hospital, almshouse, courthouse, jail, historical museum, county free library building, branch library building, art gallery, or other public buildings, or the cost of any repairs thereto, or furnishing thereof shall exceed the sum of five hundred dollars, such work shall be done by contract, and any contract therefor shall be void unless the same shall be let as hereinafter provided. The board of supervisors shall adopt plans and specifications, strain-sheets and working details therefor, and must advertise for bids for the performance of the said work in a newspaper of general circulation published in the county for at least twenty days. In case there is no newspaper published in said county, then such notice shall be given by posting in three public places for at least twenty days. All bidders shall be afforded opportunity to examine

Work
costing
over \$500
by con-
tract.

Advertise
for bids.

such plans and specifications, strain-sheets and working details, and said board shall award the contract to the lowest responsible bidder, and the person, firm or corporation to whom the contract shall be awarded must perform the work in accordance with the said plans and specifications, strain-sheets and working details, unless the same be modified by a unanimous vote of the members of the board of supervisors; and in every such case if the cost of the work be reduced by reason of the modification, compensation must be made to the county therefor, and the person, firm, or corporation, to whom the contract shall be awarded must execute a bond to be approved by the said board for the faithful performance of such contract; *provided*, that for the construction of any bridge, wharf, chute, or other shipping facilities, or any repairs thereto if the board of supervisors shall be advised by the county surveyor that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done or structure built by day's work, under the supervision and direction of the said surveyor; *provided*, that the road commissioners or road overseers in their respective districts shall employ all labor required, and direct the conduct of work of any kind upon any and all public roads; *provided, further*, that in cases of great emergency, caused by flood, fire, earthquake, or act of God, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without adopting the plans and specifications, strain-sheets, or working details, or giving notice for bids to let contract; the work to be done by day labor under the direction of the board or by contract, or by a combination of the two; if wholly or in part by contract, the contractor to be paid the actual cost of material and labor expended by him in doing the work, plus fifteen per cent to cover all profit, supervision, use of machinery, and tools, and other expenses; *provided*, that no more than the lowest current market prices shall be paid for material.

Award to lowest bidder.

Work may be done by day labor.

Employment of road labor.

Emergency cases.

8. To provide a farm in connection with the county hospital or almshouse and make regulations for working the same.

Provide poor farm.

9. To purchase, acquire, construct, equip and maintain all necessary tanks, reservoirs, pumps, apparatus, motor vehicles and other machinery necessary or proper to facilitate the performance of the work in the county.

Maintain necessary machinery.

9a. To purchase, lease, construct or otherwise acquire; own, operate, manage and control, in any county in the state, cement manufacturing plant; and to sell the products of the same in such manner and upon such terms and conditions as to them shall be deemed proper; *provided*, that the State of California and municipal or public corporations of the state shall have a preferred right at the same price as the products are offered to private persons to purchase the same; and to purchase, lease, or otherwise acquire real or personal property to be used in connection with such plant; *provided, however*, that

Acquire cement plants.

no such plant shall be purchased, leased, or otherwise acquired, neither shall said works be constructed on real or personal property purchased or acquired until notice of the intention to make such purchase or construct such works shall have been given for a period of thirty days by publication in a newspaper of general circulation published within the county or, if there be none, then by posting a notice for said period in a conspicuous place in three public places in the county; such notice shall contain a description of the property to be purchased or works to be constructed, a statement of the amount of money to be invested, the terms upon which it is to be invested and the time when the proposition will come before the board of supervisors to be acted upon.

Sell county property no longer needed.

10. To sell at public auction, at the courthouse door or at such other place within the county as the board may, by four-fifths vote, order, after five days' notice, given either by publication in a newspaper published in the county or by posting in three public places in the county, and convey to the highest bidder for cash any property belonging to the county not required for public use, paying the proceeds into the county treasury for the use of the county; *provided*, if in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars, or if it be the product of the county farm, the same may be sold at private sale, without advertising, by any member of the board empowered for that purpose by a majority vote of the board, such sale to be reported to and confirmed by such board of supervisors.

Audit accounts.

11. To examine and audit, at least every twelve months the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county or moneys received or disbursed by them under authority of law.

Allow charges against county.

12. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and such demands as are authorized by law to be allowed by some other person or tribunal, and order warrants to be drawn on the county treasurer therefor.

Levy taxes.

13. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes; *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district and received a majority of all the legal votes cast upon such proposition.

Maintain public pounds.

14. To maintain, regulate and govern public pounds, fix the limits within which animals shall not run at large, and appoint poundkeepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

Equalize assessments.

15. To equalize assessments.

Direct county suits.

16. To direct and control the prosecution and defense of all suits to which the county is a party and by a two-thirds vote

of all the members, may employ counsel to assist the district attorney in conducting the same.

17. To insure the county buildings and other property in the name and for the benefit of the county. Insure buildings.

18. To establish a salary fund, and such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require. Establish salary fund.

19. To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the board of supervisors and elective county or township officers, except in those of judge of the superior court and supervisor, the appointee to hold office for the unexpired term or until the next general election. Fill vacancies.

20. To employ the copyists necessary to reproduce any of the county records and indices thereto that may have been lost or destroyed by conflagration, public calamity or otherwise, or that may be in danger of destruction by age, obliteration, or constant use in any of the county offices. Reproduce county records.

21. To employ a purchasing agent, whose duties shall be to purchase for the county and the offices thereof all stationery, clothing, bedding, groceries, provisions, drugs, medicines, furnish machinery, implements, and all other personal property or supplies, the same to be purchased only upon a proper requisition therefor; also employ for said purchasing agent such assistants as may be necessary for him to properly fulfill his duty. Employ a purchasing agent.

22. Whenever a board of supervisors shall employ a purchasing agent as herein provided for it shall not be necessary for them to advertise for bids for furnishing county supplies as provided in section 4048 of the Political Code, with the exception of advertising.

23. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary and the supervisors may attend annual state meetings of the state supervisors' association and shall be allowed their actual traveling expenses, in going to and from attendance upon any such state association meetings. Make own regulations.

24. To adopt a seal for the board, a description and impression of which must be filed in the office of the county clerk and of the secretary of state. Adopt a seal.

25. To license, in the exercise of their police powers, and for the purpose of regulation, as herein provided, and not otherwise, all and every kind of business not prohibited by law, and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions, and lawful games carried on therein, to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that every honorably discharged soldier, sailor or marine of the United States who is unable to obtain a livelihood by manual labor, shall have the right to License business.
Ex-soldiers licensed without fee.

hawk, peddle and vend any goods, wares or merchandise, except spirituous, malt, vinous or other intoxicating liquor, without payment of any license, tax or fee whatsoever, whether municipal, county or state, and the board of supervisors or legislative body shall issue to such soldier, sailor or marine, without cost, a license therefor; *provided, however*, no license can be collected, or any penalty for the non-payment thereof enforced against any commercial traveler whose business is limited to the goods, wares and merchandise sold or dealt in in this state at wholesale.

Destroy
pests.

26. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

Protect
sheep.

27. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.

Protect
fish and
game.

28. To provide, by ordinances, not in conflict with the general laws of the state, for the protection of fish and game, and may shorten the season for taking or killing of fish and game, within the dates fixed by the general state laws, but shall not lengthen the same.

Work
prisoners.

29. To provide for the working of prisoners, confined in the county jail, under judgment of conviction of misdemeanor, under the direction of some responsible person, to be appointed by the sheriff whose compensation shall not exceed one hundred dollars per month, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the county.

Care for
poor.

29a. To provide for the care and maintenance of the indigent sick or dependent poor of the county, and for such purpose to levy the necessary property or poll taxes, or both.

30. To provide for the burying of the indigent dead.

Make
local
police
regula-
tions.

31. To make and enforce, within the limits of their county, all such local police, sanitary and other regulations as are not in conflict with general laws.

Make rule
for storing
gun-
powder.

32. To adopt such rules and regulations, within their respective counties, with regard to keeping and storing of every description of gunpowder, Hercules powder, giant powder or other explosives or combustible material, as the safety and protection of the lives and property of individuals may require.

Levy tax
for adver-
tising.

33. To levy a special tax not to exceed two cents on the \$100.00 of the assessed valuation of all property within the county to be used for advertising, exploiting and making known the resources of the county for the purpose of inducing immigration to, and increasing the trade and commerce of, said county, or for the purpose of exhibiting or advertising the agricultural, mineral, manufacturing or other resources of the county; *provided, however*, that if said rate of two cents will not raise \$5,000 in any one year the boards of supervisors may appropriate from the general fund of the county an amount sufficient to make up the deficiency

existing between the amount raised as the result of the two-cent levy and \$5,000; and *provided, further*, that such tax shall be in addition to any tax which may now or hereafter be authorized to be levied for the purpose of creating a fund to be used for collecting, preparing and maintaining an exhibition in any domestic or foreign exposition.

34. To enforce, by ordinance, within the limits of their counties all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as are not in conflict with general laws.

Regulate width of wagon tires.

35. To grant licenses and franchises for the construction, keeping and taking tolls on roads, bridges, ferries, wharves, chutes, booms and piers, and to grant franchises along and over the public roads and highways for all lawful purposes, upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to prevent the least possible obstruction and inconvenience to the traveling public.

License toll roads, etc.

36. To grant, on such terms, conditions and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in their judgment the expense necessary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them. It shall always be a condition attached to the granting of such licenses and franchises, that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted; *provided*, that the provision of any general law applicable to the granting of franchises by municipal corporations and counties throughout the state shall be complied with in the granting of any franchise by the board of supervisors.

Take tolls on public roads.

37. To enact ordinances and regulations for the construction, alteration, repair and control of all public roads and highways in the county, unless otherwise provided by law.

Repair roads.

38. To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads or county highways in the several road districts, in proportion to the amount collected from such districts; *provided*, that in addition to the tax mentioned in this subdivision the board of supervisors shall have the power and it shall be their duty, upon the petition of a majority of the property owners of any road district, to levy a special road fund tax not to exceed two mills on the one dollar of assessed valuation on all the property in such road district, to be expended in the maintenance of the public roads of such district. To levy a special sanitary tax, not to exceed one half ($\frac{1}{2}$) mill on the one dollar

Levy road fund tax.

Levy sanitary tax.

of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent the introduction of dangerous, infectious or communicable diseases and to eradicate them if introduced, and for the purpose of general sanitation.

Encourage
tree
planting.

39. To encourage, under such regulations as they may adopt, the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, a sum not exceeding one dollar.

Assume
municipal
functions.

39a. To assume and discharge such municipal functions of the cities and towns within the county as may be authorized by any county charter framed under the provisions of section 7½ of article XI of the Constitution of the State of California.

Protect
river
banks.

40. To provide by ordinance for the organization and government of districts, to protect and preserve the banks of rivers and streams and lands lying contiguous thereto from injury by overflow or the washing thereof, and to provide for the improvement of said rivers and streams, and prevent the obstruction thereof, and to provide for the assessment, levy and collection within such districts of a tax therefor. To appropriate a sum not exceeding two cents per one hundred dollars of the assessed valuation of their county in any one year, in addition to any sum which may be chargeable to the county for the repayment of money expended by the state for protection against fire in such county, for the purpose of protecting forest, brush and grass lands therein, against fire or other injury, and of aiding the state and federal authorities in forestry work.

Sell maps.

40a. To provide for the sale, at not less than cost, of copies of such maps as may be prepared by the surveyor for the use of the assessor under the provisions of section 4218 of the Political Code of California, as may be deemed desirable by the board of supervisors.

Do other
acts
required.

41. To do and perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government.

CHAPTER 330.

An act to provide for a notice to be printed on the cover of the policies of all insurance companies, associations or societies relating to future assessments.

[Approved June 3, 1913. In effect August 10, 1913.]

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

SECTION 1. Every insurance policy issued in this state under the terms of which the insured named in such policy is

liable in any event to pay an assessment in addition to the premium stated in the policy, shall have conspicuously printed upon the back or the outside cover thereof, under the name of the corporation, association, society or persons issuing the same, in plain type, the words: "Notice; under the terms of this policy insured is liable for future assessments."

Notice on
policies
liable for
assess-
ments.

Provided, however, that the provisions of this section shall not apply to any policy of a mutual fire insurance company.

SEC. 2. On a violation of the provisions of this act by any insurance company, association or society, the insurance commissioner shall forthwith revoke the certificate of authority of such company, association or society, for a period of not less than one year.

Penalty.

CHAPTER 331.

An act to provide for the establishment of a fiscal agency for the State of California in the city of New York, in the state of New York, and prescribing the duties of such fiscal agency and the duties of the public officers in relation thereto.

[Approved June 6, 1913. In effect immediately.]

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

SECTION 1. The governor of the State of California is, upon the recommendation of the state treasurer, authorized to designate some well known and responsible banking firm or association in the city of New York, or some well known and responsible incorporated banking institution in the city of New York in the state of New York, having a paid up capital and surplus of not less than one million dollars (\$1,000,000) as the fiscal agency for the payment of bonds and coupons issued by the State of California. Such banking firm or association, or incorporated banking institution designated by the governor as the fiscal agency under the terms of this act, shall thereafter continue to be the said fiscal agency until the like designation of another banking firm, association or incorporated institution as such fiscal agency. Any banking firm or association, or incorporated banking institution so designated as such fiscal agency, may be required by the state treasurer, at his discretion, and subject to the approval of the governor, to execute a bond or bonds, to the State of California, conditioned for the faithful performance of its duties as such fiscal agency, in such amount or amounts as may from time to time be fixed by the state treasurer with the approval of the governor.

Designa-
tion of
fiscal
agency in
New York
city.

SEC. 2. Any and all bonds and coupons heretofore issued by the State of California, or hereafter to be issued, which by their terms are made payable at the office of the state treasurer, without further designation of a place of payment, shall at the option of the holder thereof also be payable at the

Bonds
payable
at agency.

fiscal agency to be designated by the governor under the terms of this act.

Remittances to agency.

SEC. 3. The controller of the State of California shall draw his warrant on the treasury for, and the state treasurer shall, out of any funds in the treasury available and appropriated for the payment of the principal and interest of the said debt, transmit or remit to the said fiscal agency, in the form of check or draft payable in the said city of New York, at such time as may be arranged by the state treasurer with such fiscal agency, subject to the approval of the governor, as hereinafter provided, sufficient funds out of any funds in the hands of such state treasurer, or other officer, applicable to such purposes for the redemption of such bonds and coupons; *provided, however*, that the time when such funds shall be transmitted or remitted to such fiscal agency shall be not less than thirty days before the maturity of any such bonds or coupons. Express charges and postage shall be a proper charge against the state and shall be paid said fiscal agency and be allowed the state treasurer or other proper officer in his settlement.

Receipt for funds sent.

SEC. 4. On receipt of any funds by the said fiscal agency, it shall be the duty of such agency to notify the officer from whom received of the receipt thereof and immediately on the payment of such bonds and coupons for which funds were transmitted or remitted said bonds and coupons shall be cancelled and returned to the state treasurer or officer from whom such funds were received. The fiscal agency is hereby authorized to redeem such bonds and coupons when duly presented to it by the holder, whether the certificate herein provided for has been attached to said bonds or not.

Certificate attached to bonds.

SEC. 5. The state treasurer and any other officers of the state authorized to sell and deliver any bonds of the state, are hereby authorized at the time of delivery to the purchaser to attach to any bonds of the state which have been or shall be authorized to be issued by the state, whether such bonds have been heretofore signed, countersigned and sealed, or shall hereafter be signed, countersigned and sealed, a copy of this act and a certificate in the following terms: "Pursuant to the above act, ----- in the city of New York, state of New York, has been designated as the fiscal agency of the State of California in said city, to continue as such until the designation of another fiscal agency in said city. Attached before issuance to State of California ----- bond, dated -----, 19---, No.---

Sacramento, California, ----- 19-----

State Treasurer."

Notice of designation of agency to be published.

SEC. 6. It shall be the duty of the secretary of state immediately after the passage of this act and the designation of the fiscal agency provided herein, to publish a notice of the same in some paper of general circulation in the city of Sacramento, in the State of California, and in the said city of

New York, in the state of New York, once a week for two weeks and thereafter all bonds and coupons of the state which are by their terms payable at the office of the state treasurer, shall also be payable at the said fiscal agency at the option of the holder.

SEC. 7. The state treasurer, subject to the approval of the governor, is hereby authorized to do all acts and things necessary or proper to carry the provisions of this act into effect, including among other things the making of such arrangements with the fiscal agency as may be deemed necessary including the compensation, if any, of such agency for services rendered under this act, and the time when funds for the redemption of bonds and coupons shall be transmitted or remitted to such fiscal agency.

Treasurer authorized to act.

SEC. 8. This act is hereby declared to be an urgency measure within the meaning of section 1, article IV, of the constitution and is deemed necessary for the immediate preservation of the public peace, health and safety. The following is a statement of the facts constituting such necessity: It is necessary for the purpose of promptly and immediately supplying funds for the construction and completion of highways and harbor improvements which have been authorized by the legislature and ratified by vote of the people and have been begun, that this act be passed and that provision for the payment of bonds and coupons of the state be made in conformity with the requirements of financial usage and custom by providing for the payment thereof at a place and in a manner which will place the said bonds and coupons on an equality with the bonds of other states and of public bodies. The necessity of immediately obtaining and furnishing funds for said purpose to prevent loss to the state and to secure the completion without unnecessary delay of the said improvements for the preservation of the public peace, health and safety require that this act shall take immediate effect.

Urgency measure.

CHAPTER 332.

An act to add a new section to the Civil Code of the State of California to be known as section 2633a, relating to the time for notice of loss in casualty or accident insurance policies.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Civil Code of the State of California to be known as section 2633a, and to read as follows:

2633a. No conditions, stipulations or agreements contained in any application for insurance in any foreign or domestic casualty or accident insurance company, or contained in any

Time for giving notice of accident, etc.

policy issued by any such company, or in any way made by any such company, limiting the time within which notice of the accident or injury, or death, shall be given to such company to a period of less than twenty days after the happening of the accident, or injury, or death, shall be valid. Said notice may be given to the company insuring, at any time within twenty days after the happening of the accident, or injury, or death and shall be valid and binding on the company.

CHAPTER 333.

An act to regulate advertisements and solicitations for employees during strikes, lockouts and other labor troubles.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Advertis-
ing for
labor dur-
ing strikes.

SECTION 1. If any person, firm, or corporation, acting either for himself, or itself, or as the agent of another person, firm, or corporation, during the continuance of a strike, lockout, or other labor trouble among his, or its employees, or among the employees of the person, firm, or corporation, for whom he, or it is acting, advertises for employees in the newspapers, or by posters, or otherwise, or solicits persons to work for him, or the persons, firm, or corporation, for whom he is acting, in the place of the strikers, he shall plainly and explicitly mention in such advertisements, or oral or written solicitations, that a strike, lockout or other labor disturbance exists; *provided*, that the foregoing provisions shall not apply to advertisements or solicitations published solely or made within the same city or locality where the strike, lockout or other labor disturbance exists.

Penalty.

SEC. 2. If any person, firm, association or corporation violates any provisions of this act, he or it shall be punished by a fine not less than twenty-five dollars and not exceeding two hundred and fifty dollars for each offense.

CHAPTER 334.

An act to amend section 1300c of the Political Code, relating to the fees of recorders.

[Approved June 10, 1913. In effect August 10, 1913.]

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

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

Fees of
recorders.

4300c. For recording every instrument, paper, or notice required by law to be recorded, per folio, ten cents. For

indexing every instrument, paper, or notice, for each name, ten cents. For filing every instrument for record, and making the necessary entries thereon, twenty cents. For each certificate under seal, twenty-five cents. For every entry of discharge, credit, or release on the margin of record, and indexing same, twenty-five cents. For searching the records of his office, for each year, fifty cents. For abstract of title, for each conveyance or encumbrance, twenty-five cents. For recording each map or plat where the same is copied in a book of record, for each course, ten cents. For recording each map or plat where the same is not copied in a book of record, five dollars. For filing building contracts, plans and specifications, one dollar. For figures or letters on maps or plats, per folio, ten cents; *provided*, that the fees for recording any map shall not exceed fifty dollars. For taking acknowledgment of any instrument, fifty cents. For recording marriage license, and certificate, to be paid by the county clerk, one dollar. For recording transcript and all services in estray cases, one dollar. For recording each mark or brand, fifty cents. For administering each oath or affirmation, and certifying the same, twenty-five cents. For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents. The clerk, sheriff and recorder shall account for all fees in this and the two preceding sections provided for, and the clerk, sheriff, and recorder, unless otherwise provided by law, shall pay the same to the treasurer on the first Monday of the month following their collection, as provided in this article fifty-nine of this chapter.

CHAPTER 335.

An act to amend section 453a of the Political Code in relation to the funds in the state treasury.

[Approved June 10, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 453a of the Political Code is hereby amended to read as follows:

453a. Whenever any person donates to the state any money, the state treasurer is hereby authorized, upon the receipt of a certificate from the controller, to receive the same; and in case the donor, at the time of making the donation, designates, in a written request filed with the controller, the fund or appropriation he desires to benefit thereby, such donation must be credited accordingly, but if no such designation is made, then it must be paid into the state school fund. In the event that money which has been drawn from the state treasury in pursuance of a valid act of appropriation is subsequently returned, in whole or part, the controller is authorized to credit it back to the special or general appropriation from

Funds in
state
treasury.

which it was drawn, or if drawn from a general appropriation made for a preceding biennial period, then to the general appropriation for the current biennial period which most nearly corresponds to that appropriation from which it was drawn. Money once drawn from the treasury on pay roll claims, and subsequently returned, either because the creditor can not be found, or for any other legal reason, may be again drawn to meet the same claim or claims; *provided*, it is established by competent testimony that the former impediment to the settlement of the claim or claims has been removed. Trust funds which have come into the possession of any department of the state government may be paid into the treasury subject to the right of recovery to fulfill the purposes of the trust, and to that end this provision shall be construed to constitute a valid act of appropriation. When paid in such trust funds shall be credited to the contingent fund of the institution or department, if there be one, and if there be none, then such moneys shall be certified into the general fund, but shall be credited to department or institution from which received, and in any event such moneys shall be held subject to the right of the department or institution to recover the same, on claims properly presented, for the purpose of fulfilling the trust.

CHAPTER 336.

An act to repeal an act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905, and all acts amendatory thereof or supplemental thereto, and to provide upon what conditions any corporation which has failed to pay any license tax imposed by the provisions of any of the acts hereby repealed may pay the same and be restored to its former corporate status and rights, and also to provide for settling the affairs of any corporation which by reason of failure to pay any tax imposed by any of said acts, has forfeited either its charter or right to do business in this state.

[Approved June 10, 1913. In effect June 30, 1914.]

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

Corporations' license tax of 1905 repealed.

SECTION 1. An act entitled "An act relating to revenue and taxation, providing for a license tax upon corporations and making an appropriation for the purpose of carrying out the objects of this act," approved March 20, 1905, and also all acts amendatory thereof or supplemental thereto, are hereby repealed; *provided, however*, that this act shall not be construed to affect the status of any corporation which has before the taking effect of this act, by reason of failure to pay

any tax in accordance with the terms of any of the acts hereby repealed, forfeited either its charter or right to do business in this state. Nor shall this act be construed to relieve any corporation or person from any penalty or penal provision of any of the acts hereby repealed except as herein provided.

SEC. 2. Any corporation which has failed to pay the license tax required by the provisions of any of the acts hereby repealed, may pay to the secretary of state all taxes and penalties prescribed by either of said acts and the license tax and penalties that would have accrued if such corporation had not forfeited its charter or right to do business in this state, and any such corporation making such payments shall thereupon be relieved from the forfeiture prescribed in any of the acts hereby repealed and restored to its former corporate rights and status and the secretary of state shall annually in the month of December transmit to the county clerk of each county a list of the corporations so paying, which list shall be by said county clerk filed in his office; *provided*, the rehabilitation of any such corporation by reason of making such payments shall be without prejudice to any action, defense, or right which accrued by reason of the original forfeiture.

Relief from forfeiture on account of failure to pay tax.

SEC. 3. The powers conferred by the provisions of section 10a of the act hereby repealed (as amended March 20, 1907) upon the directors or managers of any such corporation in office at the time of any such forfeiture are hereby continued in force and said trustees or managers shall notwithstanding the taking effect of this act have full power as trustees to settle the affairs of any such corporation and to maintain or defend any action or proceeding then pending in behalf of or against any such corporation or to take such legal proceedings as may be necessary to fully settle its affairs and such directors or managers as such trustees may be sued in any of the courts of this state by any person having a claim against any such corporation; *provided, always*, that no action pending against any such corporation shall abate thereby but may be brought to final judgment and may be enforced by execution and to the same force and effect and in like manner as though no forfeiture has occurred; *and provided, further*, that where judgment has been entered against any corporation prior to forfeiture under the provisions of any of the acts hereby repealed notwithstanding such forfeiture execution may be issued on any such judgment, and the property of such corporation or which may come into the hands of any trustees for it, may be levied upon, seized and sold to satisfy such judgment with like force and effect as though such forfeiture had not occurred.

Powers of directors continued.

Execution may issue on judgment.

SEC. 4. This act shall take effect and be in force June 30, 1914, at twelve o'clock m. In effect.

CHAPTER 337.

An act to amend sections twenty-seven hundred and sixty-one and twenty-seven hundred and sixty-four of the Political Code of the State of California relating to permanent road divisions.

[Approved June 10, 1913. In effect August 10, 1913.]

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

SECTION 1. Section twenty-seven hundred and sixty-one of the Political Code of the State of California is hereby amended to read as follows:

Contents
of election
notice for
road
bonds.

2761. Such notice must contain:
1. The time and place or places of holding such election;
 2. The name of three judges for each election district to conduct the same;
 3. The hours during the day in which the polls will be open, not less than eight;
 4. The amount and denomination of the bonds; the rate of interest, not exceeding seven per cent; and the number of years, not exceeding forty, any part of said bonds shall run;
 5. The purpose for which it is to be used, including a brief description of the proposed work and the materials to be used;
 6. The signature of the chairman of the board, attested by the county clerk.

SEC. 2. Section twenty-seven hundred and sixty-four of the Political Code of the State of California is hereby amended to read as follows:

Form of
bonds.

2764. The supervisors, by an order entered upon the minutes, shall prescribe the form of said bonds and of the interest coupons attached thereto, and shall fix the time when the several bonds shall become due, not exceeding forty years from the date thereof.

CHAPTER 338.

An act making it the duty of the state board of charities and corrections to prescribe forms of record for the use of county hospitals and almshouses, county jails and city prisons; and authorizing such board to furnish such records; and making the neglect or failure on the part of superintendents and jailers in charge thereof to keep such records a misdemeanor.

[Approved June 11, 1913. In effect August 10, 1913.]

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

Form of
records
for county
hospitals,
jails, etc.

SECTION 1. It is hereby made the duty of the state board of charities and corrections to prescribe forms of record for the use of the superintendents of county hospitals and almshouses, and jailers in charge of county jails and city prisons, in keep-

ing the records of persons received into or discharged from such county hospitals, almshouses, jails and city prisons.

SEC. 2. Books of record for the records so prescribed by said state board of charities and corrections may be printed at the expense of said board and furnished to such county hospitals and almshouses, county jails and city prisons, at the cost thereof. Cost of printing.

SEC. 3. It shall be the duty of the superintendent in charge of any such county hospital or almshouse and the jailer in charge of any such jail or city prison to keep the records prescribed by the state board of charities and corrections as fully and completely as possible, and any such superintendent or jailer who neglects and fails to keep the records thus prescribed shall be guilty of a misdemeanor. Duty of superintendents to keep records.

CHAPTER 339.

An act to amend an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities, their officers, define its powers and duties and the rights, remedies, of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing the railroad commission act, approved February 10, 1911, and also repealing an act entitled 'An act to amend the railroad commission act by amending section fifteen thereof relating to powers and duties of the railroad commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced-rate transportation for freight and passengers,' approved April 6, 1911, and all acts and parts of acts inconsistent with the provisions of this act," by amending section forty-seven thereof, so as to provide that the railroad commission might have power to determine and ascertain the just compensation that should be paid by a county, city and county, incorporated city or town, or municipal water district for the taking in eminent domain proceedings of any existing public utility or lands, property and rights of any character whatsoever connected with such existing public utility, or any part or portion thereof.

[Approved June 11, 1913. In effect August 10, 1913.]

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

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

and duties of public utilities, their officers, define its powers and duties and the rights, remedies, of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing the railroad commission act, approved February 10, 1911, and also repealing an act entitled 'An act to amend the railroad commission act by amending section fifteen thereof relating to powers and duties of the railroad commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced rate transportation for freight and passengers,' approved April 6, 1911, and all acts and parts of acts inconsistent with the provisions of this act," approved December 23, 1911, is hereby amended to read as follows:

Power to ascertain value of public utilities.

Petition of city to acquire public utility.

Legislative body may file petition.

Section 47. The commission shall have power to ascertain the value of the property of every public utility in this state and every fact which in its judgment may or does have any bearing on such value. The commission shall have power to make revaluations from time to time and to ascertain all new construction, extensions and additions to the property of every public utility. Any county, city and county, incorporated city or town or municipal water district may at any time file with the commission a petition setting forth the intention of said county, city and county, incorporated city or town or municipal water district to acquire under eminent domain proceedings, or otherwise, any existing public utility, and the lands, property and rights of any character whatsoever connected with such existing public utility, or any part or portion thereof. Said petition shall give a full and complete description of said public utility, lands, property and rights, or the parts or portions thereof it is so intended to acquire, and may pray that the commission fix and determine the just compensation which shall be paid by such county, city and county, incorporated city or town, or municipal water district, under the law, for said public utility and said lands, property and rights thereof, or the parts or portions thereof sought to be acquired. Or the legislative or other governing body of any such county, city and county, incorporated city or town, or municipal water district may file with the commission a petition setting forth its intention to initiate such proceedings as may be required under the law governing such county, city and county, incorporated city or town or municipal water district, for the purpose of submitting to the voters of said county, city and county, incorporated city or town, or municipal water district a proposition to acquire under eminent domain proceedings, or otherwise, any existing public utility and the lands, property and rights of any character whatsoever connected with such existing public utility, or any parts or portions thereof. Such petition shall give a full and complete description of the said public utility, lands, property, rights, or the parts or portions thereof

concerning which it is so intended to initiate said proceedings as above described. Upon either of such petitions being filed, the commission shall proceed to fix and determine the just compensation that should be paid to the owner of such public utility and the lands, property and rights thereof, or any such parts or portions thereof, in the manner and in accordance with the provisions of section 70 of this act. In the case of the petition first above described, within sixty days after the commission shall have certified, in accordance with section 70, its findings as to the just compensation that should be so paid for such existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, the said county, city and county, incorporated city or town or municipal water district must commence an action in a court of competent jurisdiction and in a manner in accordance with the provisions of law, to take under eminent domain proceedings said existing public utility and the lands, property and rights thereof or any such parts or portions thereof, the value of which has been so fixed and determined as herein provided, unless the owner of such existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, shall file a written stipulation consenting and agreeing to accept the compensation so fixed by the commission to be paid by the said county, city and county, incorporated city or town, or municipal water district for the taking of said existing public utility and the lands, property and rights thereof, or any such parts or portions thereof. Said county, city and county, incorporated city or town or municipal water district shall not be required to delay for more than twenty days after the said commission shall have so certified its findings in accordance with said section 70, before commencing such proceedings in eminent domain. In the case of a petition of said legislative, or other governing body of any county, city and county, incorporated city or town, or municipal water district, filed as above described, setting forth its intention to so initiate such proceedings for the purpose of so submitting a proposition to the voters of any such county, city and county, incorporated city or town or municipal water district, then within sixty days after the commission shall have certified, in accordance with section 70, its findings as to the just compensation that should be so paid for such existing public utility and the lands, property and rights thereof, or any such part or portion thereof, the said legislative or other governing body must so initiate such proceedings, unless there be obtained a writ of review from the supreme court of the State of California, in accordance with the provisions of section 70 hereof, and if said writ of review be so obtained the time for the initiation of such proceedings shall be extended to not more than sixty days beyond the final decision of the supreme court upon such writ of review. If the people of any such county, city and county, incorporated city or town, or municipal water district, shall thereafter, as required by the law governing such county, city and county,

Fixing just compensation.

Action to take public utility.

Owner may accept compensation fixed.

Legislative body to initiate proceedings within sixty days.

If people favor proposition.

Owner may
accept
compensa-
tion fixed.

incorporated city or town or municipal water district, vote in favor of any proposition to acquire under eminent domain proceedings or otherwise, said public utility, or the lands, property and rights thereof, or any such parts or portions thereof, then the said county, city and county, incorporated city or town, or municipal water district, shall, within sixty days after the people have so declared in favor of such acquisition, commence an action in a court of competent jurisdiction, and in a manner in accordance with the provisions of law, to take under eminent domain proceedings said existing utility and the lands, property and rights thereof, or any such parts or portions thereof, the value of which has been so fixed and determined as herein provided, unless the owner of such existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, shall file a written stipulation consenting and agreeing to accept the compensation so fixed by the commission to be paid by the said county, city and county, incorporated city or town or municipal water district for the taking of said existing public utility and the lands, property and rights thereof, or any such parts or portions thereof. Said county, city and county, incorporated city or town, or municipal water district shall not be required to delay for more than twenty days after the said commission shall have so certified its findings, in accordance with said section 70, before commencing such proceedings in eminent domain; *provided, however*, that in any case where the law governing any such county, city and county, incorporated city or town, or municipal water district permits such county, city and county, incorporated city or town, or municipal water district to commence and prosecute such proceedings in eminent domain prior to any such vote being had by the people, then the said county, city and county, incorporated city or town, or municipal water district whose legislative or other governing body has so filed such a petition with the commission, as above described, may, within sixty days after the commission shall have certified, in accordance with section 70, its findings as to the just compensation that should be so paid for such existing public utility and the lands, property and rights thereof, or any such part or portion thereof, commence an action in a court of competent jurisdiction and in a manner and in accordance with the provisions of law, to take under eminent domain proceedings said existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, the value of which has been so fixed and determined as herein provided, unless the owner of such existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, shall file a written stipulation consenting and agreeing to accept the compensation so fixed by the commission to be paid by said county, city and county, incorporated city or town, or municipal water district for the taking of said existing public utility and the lands, property and rights thereof, or any such parts or portions thereof. Said county, city and county,

Action to
take public
utility.

incorporated city or town, or municipal water district, shall not be required to delay for more than twenty days after the said commission shall have so certified its findings in accordance with said section 70, before commencing such proceedings in eminent domain.

Whenever the owner of such existing public utility and such lands, property and rights thereof, or any such parts or portions thereof, shall file such a stipulation, the said county, city and county, incorporated city or town or municipal water district must proceed with all due diligence to provide the necessary funds under the laws governing the providing of such funds, for paying to the owner of such existing public utility and such lands, property and rights thereof, or any such parts or portions thereof, the amount fixed by the commission as the just compensation to be paid. Upon such compensation being paid to the owner of said existing public utility or the lands, property and rights thereof, or any such parts or portions thereof, the owner thereof shall make and execute to the said county, city and county, incorporated city or town or municipal water district a deed of grant, bargain and sale conveying all of the right, title and interest such owner has in the existing public utility and lands, property and rights thereof, or any such parts or portions thereof whose value has been so fixed as herein provided. And in default of such deed the commission is hereby empowered to execute such deed, as the trustee of said public utility and lands, property and rights thereof, or any such parts or portions thereof. Should the owner of such existing public utility and the lands, property and rights thereof, or such parts or portions thereof, fail to file such a written stipulation as above, the said county, city and county, incorporated city or town or municipal water district must commence the action herein provided for within the time herein provided for. In such action the compensation fixed by the commission to be paid for such existing public utility and the lands, property and rights thereof, or any such parts or portions thereof, shall be deemed final and conclusive between the parties; and the court in which the action is pending, if it shall first decide that such county, city and county, incorporated city or town, or municipal water district has the right and power under the law to take the said existing public utility and the lands, property and rights thereof, or such parts or portions thereof, whose value has been so fixed as herein provided for, shall enter a decree in favor of the said county, city and county, incorporated city or town, or municipal water district, as provided by law, fixing the amount that shall be paid as the just compensation for the taking of such existing public utility and the lands, property and rights thereof, or any parts or portions thereof, as the amount fixed and determined by the commission. The judgment shall include a provision, in substance, that said judgment is subject to modification on account of any unreasonable depreciation or deterioration in value of the property taken, or on account

Providing funds on owner's agreement to compensation fixed.

Deed.

Compensation fixed by commission deemed conclusive.

Modification of judgment on account of depreciation.

of any loss which might be suffered by the owner of said public utility through his being required to properly take care of said property, as is hereinafter more fully provided for. If between the date of the filing of any such petition and the payment of the compensation to the owner of the public utility, the owner of the public utility shall permit the property taken to unreasonably depreciate or deteriorate in value, the said county, city and county, incorporated city or town or municipal water district may file with the commission a petition setting forth that fact, and praying that the commission determine and fix the amount of said unreasonable depreciation or deterioration. The commission shall thereupon order a copy of said petition to be served upon the owner of said public utility with an order to within ten days appear before said commission and show cause why there should not be deducted from the amount of compensation to be paid an amount sufficient to cover said depreciation or deterioration. The commission shall on the day so fixed, unless for good cause the hearing is continued, proceed to ascertain whether there has been any such depreciation or deterioration, and if so, what amount should be deducted therefor from the compensation to be paid. Hearings shall be had in the same manner as provided in section 70 of this act. The commission shall thereupon certify to the court any amount which may be determined upon that should be so deducted from the compensation, and the court shall thereupon modify its judgment in order to conform with said ascertainment by said commission. If between the time when the judgment in condemnation has become final and the time of the payment of the compensation the owner of the public utility shall, in order to preserve the property, be required to suffer a loss, the said owner may file a petition with the commission setting forth this fact, and praying that the commission determine and fix the amount of the loss which the owner has so suffered. The commission shall thereupon order a copy of said petition to be served upon the said county, city and county, incorporated city or town or municipal water district, with an order to within ten days appear before said commission to show cause why there should not be paid, in addition to the amount of the judgment, an amount sufficient to compensate for the said loss. The commission shall on the day so fixed, unless for good cause the hearing is continued, proceed to ascertain whether there has been any such loss, and if so, how much. The hearing shall be conducted as provided in section 70 of this act. The commission shall thereupon certify to the court any amount of loss so determined upon, and the court shall thereupon modify its judgment in order to conform with said ascertainment by the commission. Said amount of loss which may be so required to be paid to the owner of said utility shall not be considered as compensation for the property taken, but shall be considered as damages awarded for the loss so sustained by the owner of the utility. And the filing of any such petition by the owner

Loss of
owner in
preserving
property.

Plaintiff
entitled
to pos-
session.

of the utility shall not act as a stay of the decree in condemnation, but upon the payment of the amount fixed in the original decree in condemnation, the plaintiff shall be entitled to immediate possession of the property taken. The findings of the commission fixing the just compensation to be paid or the amount that should thus be deducted from the judgment on account of such unreasonable depreciation or deterioration, or that should thus be added to the judgment on account of said loss suffered, shall be subject to review by the supreme court of this state in the same manner and within the same time as other orders and decisions of the commission. Said writ of review may be issued at the instance of either the owner of the public utility or of the said county, city and county, incorporated city or town, or municipal water district.

Should a writ of review be obtained from the supreme court of the State of California in accordance with the provisions of section 70 hereof, the time for the filing of such suit in eminent domain by the said county, city and county, incorporated city or town or municipal water district shall be extended to not more than sixty days beyond the final decision of the supreme court upon such writ of review; or, should said writ of review be obtained prior to the vote by the people of said county, city and county, incorporated city or town or municipal water district upon any such proposition, then said sixty days period to be extended to not longer than sixty days after such vote is had. If the said county, city and county, incorporated city or town or municipal water district or the legislative or other governing body thereof shall fail to file such suit or proceed diligently to enforce the rights herein conferred and in the manner herein set forth, then upon written petition from the owner of such existing public utility setting forth said fact, the commission shall cause a notice of not less than ten days to be given to said county, city and county, incorporated city or town or municipal water district to appear before said commission and show cause why an order should not be made by said commission, finding that the said county, city and county, incorporated city or town or municipal water district has failed to diligently pursue its rights hereby conferred, and determining that the findings of the said commission theretofore made as to the just compensation that should be paid for the existing public utility and the lands, property and rights thereof, or any such part or portion thereof, shall no longer be of any force or effect. And said notice shall include a copy of said written petition so filed by said owner of such existing public utility. If the commission shall determine that said county, city and county, incorporated city or town, or municipal water district, or the legislative or other governing body thereof, has so failed to either file such suit or to proceed diligently to enforce the rights herein conferred and in the manner herein set forth, the commission shall make and enter such an order as so petitioned for by the owner of such existing public utility. Should the supreme court, upon a writ of review being

Extension of time on obtaining writ of review from supreme court.

Failure of city, etc., to proceed diligently.

Findings
of supreme
court and
reference
to com-
mission.

obtained, decide that in any manner the commission has not lawfully pursued its power hereby conferred or conferred in this act, the supreme court shall make its findings and refer the matter back to the commission for correction or further action. Upon such writ coming down to the commission it shall proceed, as in the first instance, to correct its findings in the manner specified in the writ of review. Any such county, city and county, incorporated city or town, or municipal water district must pay at such times in such amounts as may be directed by said railroad commission any extra costs which it might be necessary for said railroad commission to incur in order to comply with the requirements of this section. And the court, upon rendering any judgment in eminent domain, as herein provided for, may include therein the allowance of such costs as between the parties as is provided for in the law of eminent domain of this state. The rights herein conferred upon any county, city and county, incorporated city or town or municipal water district or upon the legislative, or other governing body thereof, to so file with the commission a petition for the ascertainment of the just compensation that should be so paid for any such existing public utility and lands, property and rights thereof, or any such part or portion thereof, shall not be considered as an exclusive mode of procedure, but shall be considered as an alternative and cumulative procedure which may be followed by such county, city and county, incorporated city or town or municipal water district or the legislative or other governing body thereof, in addition to any other method of procedure provided for in law for the taking by said county, city and county, incorporated city or town, or municipal water district, of any such public utility or lands, property and rights thereof, or any such part or portion thereof, under eminent domain proceedings, in accordance with the law of this state; and this act shall not be construed as repealing any law of this state providing for such eminent domain proceedings.

Costs.

Alter-
native pro-
cedure.

CHAPTER 340.

An act to amend section fourteen of an act entitled "An act to create a firemen's relief, health and life insurance and pension fund in the several counties, cities and counties, cities and towns of the state," approved March 20, 1905.

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. Section fourteen of an act entitled "An act to create a firemen's relief, health and life insurance and pension fund in the several counties, cities and counties, cities and towns of the state," approved March 20, 1905, is hereby amended to read as follows:

Section 14. On the last day of June of each year, or as soon thereafter as practicable, the auditor of each county,

city and county, city or town, shall make a report to the board of supervisors or other governing authority of such county, city and county, city or town, of all moneys paid on account of said fund during the previous year, and of the amount then to the credit of the "firemen's relief and pension fund" and all surplus of said fund then remaining in said fund, exceeding the average amount per year paid out on account of said fund during the three years next preceding, shall be transferred to, and become a part of, the general fund of every such county, city and county, city or town and no longer under the control of said board or subject to its order. Payments provided for by this act shall be made monthly upon proper vouchers.

Auditor's report on firemen's relief and pension fund.

CHAPTER 341.

An act to amend sections 7 and 14 of an act entitled, "An act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this act," (approved March 20, 1903, as subsequently amended).

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 7 of the above entitled act is hereby amended to read as follows:

Section 7. At least twenty days before any election, other than a special election, at which voting machines are to be used in any political subdivision, the county clerk, registrar of voters or city or town clerk, as the case may be, shall designate one or more deputies, to be provided by the board having charge and control of elections, who are competent for the purpose, as voting machine instructors, and shall cause one or more voting machines of the type to be used at the election, to be set up in his office, for the purpose of having such voting machine instructors give instructions to persons applying to serve as election officers at the ensuing election, and shall also publish notice in one or more daily or weekly newspapers, in such political subdivision, if any is there published, stating that instructions will be given at such office, (stating the location thereof) as to the use of voting machines, to all persons otherwise qualified, who shall apply to serve as election officers, at the ensuing election, and requesting qualified persons to attend at such office and apply to serve, and take such instructions. Such notice may also be sent by mail to all such per-

Designation of voting machine instructors and instruction of election officers.

sons as the said county clerk, registrar of voters or city or town clerk, may deem likely to take the same. Such voting machine instructors shall give such instructions to those who apply (subject to the control of the clerk or registrar of voters, that too great a number from a given precinct need not be instructed) and shall report the result to such clerk or registrar of voters, and such clerk or registrar of voters, if satisfied with the report, may issue a certificate of competency to such person, and shall enter the name of such person in the proper book, by precincts, with the residence of such person and the date of certificate of competency, and mail such certificate to such person at the address shown by his application or registration. In making up a recommendation of names of persons suitable for election officers, the clerk or registrar of voters, shall, where the person is otherwise qualified and able to serve, prefer the persons in each precinct, who have received such a certificate, and the persons thus shown in such recommendation shall be appointed as election officers in the proper precincts, and unless they fail to appear and be sworn or are excused for cause, by the clerk or registrar of voters, shall serve as an election officer at the election.

Certificates
of compe-
tency.

Preference
to be given
persons
holding
certificates.

SEC. 2. Section 14 of the above mentioned act is hereby amended to read as follows:

Precincts
where
voting
machines
are used.

Section 14. Where voting machines are used the precincts shall be established or created in the manner provided by sections 1127, 1128, 1129 and 1130 of the Political Code of the State of California.

CHAPTER 342.

An act to amend sections one, four, six, seven, eight, eight a, and eight b of, and to add two new sections to be known as sections eight c and eight d, an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said act and said act were amended March 19, 1909, and as said act was amended April 25, 1911.

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1 of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said act and said act were amended March 19, 1909, and as said act was amended April 25, 1911, is hereby amended to read as follows:

Labeling
packages
of poisons.

Section 1. It shall be unlawful for any person to vend, sell, give away or furnish, either directly or indirectly any poisons

enumerated in schedules "A" and "B" in section seven of this act as hereinafter set forth, without labeling the package, box, bottle or paper in which said poison is contained, with the name of the article, the word "poison," and the name and place of business of the person furnishing the same. Said label shall be substantially in the form hereinafter provided. It shall be unlawful to sell or deliver any of the poisons named in schedule "A" or any other dangerously poisonous drug, chemical, or medicinal substance, which may from time to time be designated by the state board of pharmacy of California, unless on inquiry it is found that the person desiring the same is aware of its poisonous character, and it satisfactorily appears that it is to be used for a legitimate purpose. It shall be unlawful for any person to give a fictitious name or make any false representations to the seller or dealer when buying any of the poisons thus enumerated; *provided*, that this prohibition shall not apply to an officer or inspector of the state board of pharmacy in the performance of the duties enjoined by law upon said board, or to any person acting under authority of said board in the performance of said duties. Printed notice of all such additions to the schedule of poisons named and provided for in this section, and the antidote adopted by the board of pharmacy for such poisons shall be given to all registered pharmacists with the next following renewal of their certificates. It shall be unlawful to sell or deliver any poison included in schedule "A" or the additions thereto, without making or causing to be made, at the time of said sale, an entry in a book kept solely for that purpose, stating the date and hour of sale, and the name, address and signature of the purchaser, the name and quantity of the poison sold, the statement by the purchaser of the purpose for which it is required, and the name of the dispenser, who must be a duly registered pharmacist; *provided, however*, that said entry shall be made out in full, in ink before said signature of the purchaser is made thereto, and that said entry shall be made by said dispenser himself, and not by any person who is not a duly registered pharmacist or duly registered assistant pharmacist.

Poisons sold only for legitimate purposes.

Giving fictitious name unlawful.

Schedule and antidote given to pharmacists.

Entries of sales in poison register.

Said book shall be in form substantially as follows:

Form of book.

Date and hour.	Name of purchaser.	Residence.	Kind and quantity.	Purpose of use.	Signature of druggist.	Signature of purchaser.
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This book shall always be open for inspection by the proper authorities, and shall be preserved for at least five years after the date of the last entry therein.

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

Section 4. When in the opinion of the state board of pharmacy, it is in the interest of the public health, they are hereby empowered to further restrict, or prohibit the retail sale of any poison by rules, not inconsistent with the provisions of this

Board may further restrict sales.

act, by them to be adopted, and which rules must be applicable to all persons alike. It shall be the duty of the board, upon request, to furnish any dealer with a copy of the laws relating to articles, preparations and compounds, the sale of which is prohibited or regulated by this act.

SEC. 3. Section 6 of said act is hereby amended to read as follows:

District
attorney
to prose-
cute.

Section 6. It is hereby made the duty of the district attorney of the county wherein any violation of this act is committed, to conduct all actions and prosecutions for the same, at the request of the board of pharmacy; *provided, however*, that the board may employ special counsel to assist the district attorney in such actions and prosecutions.

SEC. 4. Section 7 of said act is hereby amended to read as follows:

Penalties:
sections 8
or 8a.

Section 7. Any person violating any of the provisions of sections eight or eight *a* of this act shall upon conviction be punished as follows, viz: for the first offense by a fine of not less than one hundred dollars, and not to exceed four hundred dollars, or by imprisonment for not less than fifty days and not exceeding one hundred and eighty days, or by both such fine and imprisonment; for the second offense by a fine of not less than two hundred and fifty dollars, and not to exceed five hundred dollars, or by imprisonment for not less than ninety days and not exceeding six months, or by both such fine and imprisonment; and for the third offense by imprisonment in the state prison for not less than one year and not more than five years. Any person violating any of the provisions of this act, except those contained in sections eight or eight *a*, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than thirty dollars, nor more than two hundred dollars, or by imprisonment for not less than thirty days and not more than fifty days, or by both such fine and imprisonment. All moneys received under the operation of this act shall be paid by the magistrate receiving the same, seventy-five (75%) per cent to the state board of pharmacy, and twenty-five (25%) per cent to the city treasurer of the city, if incorporated, or to the county treasurer of the county in which the prosecution is conducted. The following is schedule "A" referred to in section one, viz: Schedule "A," arsenic, its compounds and preparations, corrosive sublimate, and other poisonous derivatives of mercury, corrosive sublimate tablets, antiseptic tablets containing corrosive sublimate, cyanide of potassium, strychnine, hydrocyanic acid, oils of croton, rue and tansy, phosphorus and its poisonous derivatives and compounds, compound solution of cresol, lysol, strophanthus or its preparations, aconite, belladonna, nux vomica, veratrum viride, their preparations, alkaloids or derivatives, ant poison containing any of the poisons enumerated in this schedule.

Penalties.

Schedule
"A."

Schedule
"B."

The following is schedule "B": Hydrochloric or muriatic acid, nitric acid, oxalic acid, sulphuric acid, bromine, chloro-

form, cowhage, creosote, ether, solution of formaldehyde or formalin; cantharides, cocculus indicus, all their preparations; iodine, or its tinctures, oils of savin and pennyroyal, tartar emetic, and other poisonous derivatives of antimony, sugar of lead, sulphate of zinc, and wood alcohol.

SEC. 5. Section 8 of said act is hereby amended to read as follows:

Section 8. It shall be unlawful for any person, firm or corporation to sell, furnish or give away or offer to sell, furnish or give away or to have in their or his possession any cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, nova caine or chloral hydrate or any of the salts, derivatives or compounds of the foregoing substances or any preparation or compound containing any of the foregoing substances or their salts, derivatives or compounds excepting upon the written order or prescription of a physician, dentist or veterinary surgeon, licensed to practice in this state, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, written in by the person writing said prescription, or if ordered by a veterinary surgeon it shall state the kind of animal for which ordered and shall be signed by the person giving the prescription or order. Such order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the articles ordered or prescribed and it shall not be again compounded or dispensed if each fluid or avoirdupois ounce contains more than 8 grains of opium or 1 grain of morphine, or 2 grains of codeine, or $\frac{1}{2}$ grain of heroin, or 1 grain of cocaine, or 1 grain of alpha eucaine, or 1 grain of beta eucaine, or 1 grain of nova caine, or 60 grains of chloral hydrate, excepting upon the written order of the prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person but the original shall be at all times open to inspection by the prescriber and properly authorized officers of the law and shall be preserved for at least three years from the date of the filling thereof; *provided*, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to pharmacies, as defined in section one of an act entitled: "An act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 20, 1905, and acts amendatory thereof; or physicians, nor to each other, nor to the sale at retail in pharmacies by pharmacists to physicians, dentists or veterinary surgeons duly licensed to practice in this state; *provided, further*, that all such wholesale jobbers, wholesalers and manufacturers, in this section mentioned shall before delivery of any of the articles in this section enumerated make or cause to be made in a book kept for that purpose only, an entry of the sale of any such article stating the date of such

Unlawful to sell cocaine, opium, etc., except on physician's prescription.

Prescription filed and not to be refilled.

Duplicate not to be given to person.

Wholesalers to keep book of sales.

sale and quantity and name of the article and form in which sold, the true name and true address of the purchaser, the name of the person by whom such entry and sale was made, also a statement showing how delivery was had, whether delivered personally or forwarded by mail, express or by freight, which book shall be substantially as follows:

Form of book.

Date of sale.	Quantity and name of article.	Name of purchaser.	How delivered.	Name of person selling.
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Taking order deemed sale.

and said book shall always be open for inspection by any peace officer or any member of the board of pharmacy or any inspector authorized by said board and such book shall be preserved for at least five years after the date of the last entry therein. The taking of any order, or making of any contract or agreement, by any traveling representative, or any employee, of any person, firm or corporation, for future delivery in this state, of any of the articles or drugs mentioned in this section shall be deemed a sale of said articles or drugs by said traveling representative, or employee, within the meaning of the provisions of this act; *provided, further*, that a true and correct copy of all orders, contracts or agreements taken for narcotic drugs specified in this section shall be forwarded by registered mail to the secretary of the California state board of pharmacy within twenty-four hours after the taking of such order, contract or agreement, unless such order, contract or agreement is recorded by entry in a book used for that purpose only, of some wholesale jobber, wholesaler, or manufacturer permanently located in this state, as provided for in this section. It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to furnish to or prescribe for the use of any habitual user of the same, or of any one representing himself as such, any cocaine, opium, morphine, codeine, heroin, or chloral hydrate, or any salt, derivative or compound of the foregoing substances or their salts, derivatives or compounds; and it shall also be unlawful for any practitioner of medicine or dentistry to prescribe any of the foregoing substances for any person not under his treatment in the regular practice of his profession, or for any veterinary surgeon to prescribe any of the foregoing substances for the use of any human being; *provided, however*, that the provisions of this section shall not be construed to prevent any duly licensed physician from furnishing or prescribing in good faith as their physician by them employed as such, for any habitual user of any narcotic drugs who is under his professional care, such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the purposes of this act; *provided*, that such licensed physician shall report in writing, over his signature, by registered mail, to the office of the California state board of pharmacy, within twenty-four hours after the first treatment, each and every habitual user of such narcotic drugs as are enumerated in this section, whom he or she has taken, in good faith,

Unlawful to prescribe for habitual users.

Physicians to report habitual users.

under his or her professional care, for the cure of such habit, such report to contain the date, name and address of such patient, and the name and quantity of the narcotic or narcotics prescribed in such treatment; *provided, further*, that the provision immediately foregoing shall not apply to any licensed physician treating such habitué in good faith who personally administers such narcotics, enumerated in this section, after writing a prescription therefor; *and provided, further*, that the above provisions shall not apply to preparations sold or dispensed without a physician's prescription containing not more than two grains of opium, or one fourth grain of morphine, or one half grain of codeine, or one sixth grain of cocaine, or one sixth grain of heroin, or one sixth grain eucaïne, or one sixth grain nova caine, or one sixth grain beta eucaïne, or ten grains chloral hydrate in one fluid ounce or, if a solid preparation, in one ounce, avoirdupois.

Not applicable to preparations.

SEC. 6. Section 8a of said act is hereby amended to read as follows:

Section 8a. The possession of a pipe or pipes used for smoking opium (commonly known as opium pipes) or the usual attachment or attachments thereto, or extracts, tinctures, or other narcotic preparations of hemp, or loco-weed, their preparations or compounds (except corn remedies containing not more than fifteen grains of the extract or fluid extract of hemp to the ounce, mixed with not less than five times its weight of salicylic acid combined with collodion), is hereby made a misdemeanor, and upon conviction thereof shall be punishable by the penalties prescribed in section 7 of this act.

Unlawful to possess opium pipes.

SEC. 7. Section 8b of said act is hereby amended to read as follows:

Section 8b. All narcotic drugs specified in section 8 and also all pipes used for smoking opium (commonly known as opium pipes) or the usual attachments thereto, or extracts, tinctures, or other narcotic preparations of hemp, or loco-weed, their preparations or compounds (except corn remedies containing not more than fifteen grains of the extract or fluid extract of hemp to the ounce, mixed with not less than five times its weight of salicylic acid combined with collodion), may be seized by any peace officer, and in aid of such seizure a search warrant or search warrants may be issued in the manner and form prescribed in chapter III of title XII of part II of the Penal Code. All such narcotic drugs, pipes used for smoking opium (commonly known as opium pipes) or the usual attachments thereto, and all such hemp seized under the provisions of this act shall be ordered destroyed by the judge of the court in which final conviction was had; said order of destruction shall contain the name of the party charged with the duty of destruction as herein required; *provided, however*, that the judge shall turn all such evidence over to the California state board of pharmacy for such destruction; *and provided, further*, that the board of pharmacy may dispose of all narcotics now on hand or hereafter coming into their possession, (other than smoking

Opium pipes may be seized by peace officers.

Pipes to be destroyed.

Sale of narcotics seized.

opium) either by gift to the medical director of California state prisons or state hospitals or by sale to wholesale druggists, the funds received from such sales to be applied by the board of pharmacy to the carrying out of the provisions of this act or of the act creating such California state board of pharmacy.

SEC. 8. A new section, to be known as section 8c is hereby added to said act, to read as follows:

Revoca-
tion of
pharmacist
registra-
tion.

Section 8c. The board may revoke the registration of any registered pharmacist or assistant pharmacist upon conviction of the second offense for violating any of the provisions of section 8 or 8a of this act, and in such case said registration shall not be restored before the period of one year from the date of said revocation.

Enforce-
ment of
Penal Code
section 307.

Section 8d. The state board of pharmacy is hereby charged with the enforcement of the provisions of section 307 of the Penal Code and all fines imposed for violation of said section upon collection shall be disposed of as is provided for the disposition of fines in section 7 of this act.

CHAPTER 343.

An act to permit the consolidation of elections and to provide a procedure therefor.

[Approved June 11, 1913. In effect August 10, 1913.]

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

Consolida-
tion of
elections
on same
day.

SECTION 1. Whenever two or more elections are called to be held on the same day, in the same territory, or in territory that is in part the same, such elections may be consolidated in the manner provided by this act.

SEC. 2. Any such two or more elections, whether held under a freholders charter or under any state law, or both, may be so consolidated and different elections called by the same governing body may be so consolidated.

Authority
to consoli-
date.

SEC. 3. Such elections may be consolidated as to territory which is the same by order of the governing body or bodies calling the elections; and where one of the elections to be consolidated is a state election, the board of supervisors of the county wherein said consolidation may be had shall have authority to order such consolidation, as respects such state election.

Voting
places,
offices,
returns,
etc., of
consoli-
dated
elections.

SEC. 4. Within the territory affected by such order of consolidation, the election precincts, polling places and voting booths shall, in every case, be the same and there shall be only one set of election officers in each of such precincts. When the returns of elections consolidated under this act are required to be canvassed by different canvassing bodies, such elections shall be conducted separately in the same manner as if they had not been consolidated, except as in this section provided. When the returns of any two or more elections

consolidated under this act are required to be canvassed by the same body, such elections shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat.

SEC. 5. When elections are consolidated under the provisions of this act, the governing body or bodies ordering such consolidation may, in the territory affected thereby, provide for the appointment of officers of election, for the formation of precincts for such elections and the expenses of said election. Appointment of officers, etc.

SEC. 6. Nothing in this act shall be so construed as to repeal an act of the legislature of the State of California, entitled, "An act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses," approved April 4, 1911. Act of 1911 not repealed.

CHAPTER 344.

An act granting to the city of Arcata the tide lands and submerged lands of the state within the boundaries of, and within two miles of the boundaries of said city.

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby granted to the city of Arcata, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty in and to the following tide lands and submerged lands within the county of Humboldt, State of California, to wit: Commencing at a point south 89½ degrees west 5.91 chains, and south 31 degrees 52 minutes west 16.27 chains from the center of section 32, township six (6) north, range one (1) east of Humboldt meridian, Humboldt county, California, running thence north 250 feet to the south side of a dike; thence 75 degrees west 1,750 feet following the south side of the dike, and crossing Daniels' slough to a point on the section line between sections 31 and 32; thence south 17 degrees west 5,600 feet to a point on the Arcata and Mad River Railroad wharf, as at present maintained; thence south 45 degrees east 1,650 Tide lands granted to Arcata.

feet; thence north 80 degrees east 5,750 feet to a point on the west side of the right of way of the Northwestern Pacific Railway Company; thence following the west line of the Northwestern Pacific Railroad Company's right of way to a point in the center of Butchers' slough north 27 degrees fifty minutes west 4,500 feet; thence north 52 degrees and one half (52½) west 6.12 chains; thence north 71½ degrees west 4.05 chains; thence north 53½ degrees west 11.26 chains; thence north 31½ degrees west 2.06 chains to the place of beginning, and situated below the line of mean high tide of the Pacific ocean, or of any harbor, estuary, bay or inlet within, or within two miles of said city boundaries, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express condition, to wit:

Conditions of grant.

a. That said lands shall be used by said city, and by its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever; *provided*, that said city or its successors, may grant franchises thereon for limited periods, for wharves and other public uses and purposes, and may lease said lands or any part thereof for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor;

City may grant franchises for wharves, etc.

Harbor to be improved.

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

No discrimination in rates.

c. That in the management, conduct or operation of said harbor, or any of the utilities, structures or appliances, mentioned in paragraph a, no discrimination in rates, tolls or charges, or in facilities, for any use or service in connection therewith shall ever be made, authorized or permitted by said city, or by its successors; reserving, however, in the people of the State of California, the absolute right to fish in the waters of said harbor, with the right of convenient access to said waters over said lands for said purposes.

Right to fish reserved.

Must expend one hundred thousand dollars within five years.

SEC. 2. The foregoing conveyance is made upon the condition that the city of Arcata shall, within five years from the approval of this act, exclusive of such time as said city may be restrained from so doing by injunction issued out of any court of this state or of the United States, and exclusive of

such further delay as may be caused by unavoidable misfortune or great public or municipal calamity, issue its bonds for harbor improvement purposes in an amount of money of not less than one hundred thousand dollars, and shall, within five years after the approval of this act, exclusive of the time in this section hereinbefore mentioned, commence the work of such harbor improvement, and the said work and improvement shall be prosecuted with such diligence that not less than one hundred thousand dollars shall be expended thereon within five years from the approval of this act exclusive of the time in this section hereinbefore mentioned. If said bonds be not issued or said work be not prosecuted and completed as and in the manner herein provided, then the lands by this act conveyed to the city of Arcata shall revert to the State of California.

Lands may
revert to
state.

CHAPTER 345.

An act granting to the city of South San Francisco the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of South San Francisco and regulating the management, use and control thereof.

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby granted to the city of South San Francisco, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all the salt marsh, tide and submerged lands, whether filled or unfilled, within the present boundaries of said city, and situated below the line of mean high tide of the Pacific ocean, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit: That said lands shall be used by said city and its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation and said city or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods for purposes consistent with the trusts upon which said lands are held by the State of California and with the requirements of com-

Tide lands
granted to
South San
Francisco.

Conditions
of grant.

City may
grant
franchises
for
wharves,
etc.

merce or navigation at said harbor, for a term not exceeding twenty-five years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be for any and all purposes which shall not interfere with navigation or commerce, with reversion to the said city, on the termination of such lease or leases of any and all improvements thereon, and on such other terms and conditions as the said city may determine, but for no purpose which will interfere with navigation or commerce; subject also to a reservation in all such leases or such wharfing out privileges of a street, or of such other reservation as the said city may determine for sewer outlets, and for gas and oil mains, and for hydrants, and for electric cables and wires, and for such other conduits for municipal purposes, and for such public and municipal purposes and uses as may be deemed necessary by the said city; *provided, however*, that each person, firm or corporation or their heirs, successors or assigns now in possession of land or lands abutting on said lands, within the boundaries of the city of South San Francisco, shall have the right to obtain a lease for a term of twenty-five years from said city of said land and wharfing out privileges therefrom with a right of renewal for a further term of twenty-five years pursuant to the provisions of this act and on such terms and conditions as said city may determine and specify, subject to the right of said city to terminate said lease at the end of the first twenty-five years or refuse to renew the same, or to terminate the lease so renewed during the term of such renewed lease on such just and reasonable terms for compensation for improvements at the then value of said improvements as said city may determine and specify. Upon obtaining such lease and wharfing out privileges such person, firm or corporation, their heirs or assigns, shall quitclaim to said city any right they or any of them may claim or have to the said lands hereby granted. This grant shall carry the right to such city of the rents, issues and profits in any manner hereafter arising from the lands or wharfing out privileges hereby granted. The State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California. No discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors in the management, conduct or operation of any of the utilities, structures or appliances mentioned in this section. There is hereby reserved in the people of the State of California the right to fish in the waters on which said lands may front with the right of convenient access to said waters over said lands for said purpose.

Persons in possession to have first right to lease.

Right of state to use wharves reserved.

Right to fish reserved.

SEC. 2. The foregoing conveyance is made upon the condition that the city of South San Francisco shall, within five years from the approval of this act, exclusive of such time as said city may be restrained from so doing by injunction issued out of any court of this state or of the United States, and exclusive of such further delay as may be caused by unavoidable misfortune or great public or municipal calamity, issue its bonds for harbor improvement purposes in an amount of money of not less than two hundred and fifty thousand dollars, and shall, within five years after the approval of this act, exclusive of the time in this section hereinbefore mentioned, commence the work of such harbor improvement, and the said work and improvement shall be prosecuted with such diligence that not less than two hundred and fifty thousand dollars shall be expended thereon within five years from the approval of this act exclusive of the time in this section hereinbefore mentioned. If said bonds be not issued or said work be not prosecuted and completed as and in the manner herein provided, then the lands by this act conveyed to the city of South San Francisco shall revert to the State of California.

Must expend two hundred and fifty thousand dollars within five years.

Lands may revert to state.

CHAPTER 346.

An act to provide for changing the boundaries of cities and municipal corporations, and to exclude uninhabited territory therefrom.

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. The boundaries of any city or municipal corporation may be altered, and uninhabited territory excluded therefrom, after proceedings had, as required in this section. The legislative body of any municipal corporation, upon receiving a written petition therefor containing a description of the uninhabited territory proposed to be excluded from said corporation, and signed by not less than one tenth in number of the qualified electors of such municipal corporation, computed on the number of votes cast at the last general municipal election held therein, must, without delay, notify the board of supervisors of the county in which said town or city is located of the fact of filing such petition. Upon receipt of such notification it shall be the duty of said board of supervisors to cause a notice to be published in said county for a period of five successive days in case there is a daily newspaper therein, or in case where there is only a weekly or semi-weekly newspaper published therein then, for two successive weekly or semi-weekly publications, setting forth by general description the land sought to be excluded from the said municipality and announcing the time and place when and where objections to said exclusion will be heard. Any person owning any land so

Excluding uninhabited territory from cities.

Notice to be published.

Objection
to exclu-
sion.

sought to be excluded may object to said exclusion by filing a written remonstrance with the said board of supervisors. At the time specified in said notice, or at such other time as may be fixed by postponement, the said board of supervisors shall hear the said protestations, and unless the remonstrances are filed by the owners of more than one half of the land sought to be excluded, the decision of said board of supervisors upon said protestations shall be final and conclusive. In the event that the owners of more than one half of the land sought to be excluded, or the owners of any single tract of land exceeding five acres in area, file remonstrances against such exclusion, said protestations shall be sustained by the board of supervisors and shall be a bar to any further proceedings under the provisions of this act for the period of one year. In the event that there are no protestations filed or if filed, if the same are overruled by said board of supervisors, and the said board shall by resolution consent to the exclusion of said uninhabited territory by the municipality, it shall then be the duty of the legislative branch of said municipality to submit to the electors of such municipality the question whether or not said territory proposed to be excluded shall be excluded from said municipal corporation.

When
more than
half of
owners
remon-
strate.

Election.

Such question shall be submitted at a special election to be held for that purpose, or at any municipal election. Notice of said election shall be published in a newspaper, printed in such city or town, at least once a week for a period of two weeks next preceding such election. Said notices shall state that it is proposed to exclude the territory sought to be excluded from said municipal corporation and invite the electors of said city or town to vote upon such proposition by placing a cross (X) opposite the words "For Exclusion" or the words "Against Exclusion" to indicate whether they vote for or against the exclusion of such territory. In said notice the territory sought to be excluded may be generally described in such manner as to apprise the voters of the particular land or territory sought to be excluded. Said legislative body is hereby empowered and it shall be its duty to establish and in such notice of election designate the voting precinct or pre-

Voting
places, etc.

cincts, or places at which the polls will be opened in said city or town, and said elective body is empowered to appoint the officers of such election, who shall be for each voting place at least two judges and one inspector, each of whom shall be a qualified elector of said city or town. The judges and inspectors of such election shall immediately upon the closing of the polls, count the ballots, make up and certify the returns of the ballots cast at their respective polling places, as quickly as possible, in the manner provided in the laws of this state, and deposit all said returns with the clerk of said city or town. Said legislative body shall, at the time provided for its regular meeting next after said returns are filed with the clerk of said city or town, meet and proceed to open and canvass said returns, and immediately upon the completion of such canvass cause a report thereof to be made and entered upon its minutes,

Election
returns.

showing the whole number of votes cast and the number cast in favor of exclusion and the number cast against exclusion; and if it shall appear from such canvass that a majority of votes cast is in favor of exclusion, the clerk or other officer performing the duties of the clerk of such legislative body shall make and certify, under the seal of such municipal corporation, and transmit to the secretary of state and to the board of supervisors of the county in which said city or town is located, a copy of said report so entered upon its minutes, together with a statement showing the date of said election and the time and result of said canvass, which document shall be filed by the secretary of state and the clerk of said board of supervisors. From and after the date of filing of said document in the office of the secretary of state, the exclusion of such territory so proposed to be excluded shall be deemed and shall be complete and thenceforth such excluded territory shall cease to be a part of such municipal corporation, for all intents and purposes; *provided*, that nothing contained in this act shall be held to relieve in any manner whatsoever any part of said territory from any liability for any debt contracted by such municipal corporation prior to such exclusion; *and provided, further*, that such municipal corporation is hereby authorized to levy and collect from any territory so excluded from time to time such sums of money as shall be found due from it on account of its just proportion of liability for any payment on the principal or interest of such debts.

Exclusion deemed complete.

SEC. 2. Nothing in this act shall alter or affect the boundaries of any senatorial or assembly district.

Legislative districts not affected.

SEC. 3. All proper expenses of proceedings for exclusion of uninhabited territory under this act, whether such exclusion shall be made and completed or not, shall be paid by the municipal corporation so excluding or attempting to exclude such territory.

Expenses.

CHAPTER 347.

An act granting to the city of Berkeley the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of Berkeley, and regulating the management, use and control thereof.

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby granted to the city of Berkeley, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all the salt marsh, tide and submerged lands, whether filled or unfilled, within the present boundaries of said city, and situated below the line of mean high tide of the Pacific

Tide lands granted to Berkeley.

Conditions
of grant.

Franchises
for
wharves,
etc.

Persons in
possession
to have
first right.

ocean, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit: That said lands shall be used by said city and its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual firm or corporation for any purpose whatever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California and with the requirements of commerce or navigation at said harbor, for a term not exceeding twenty-five years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be for any and all purposes which shall not interfere with navigation or commerce, with the reversion to the said city on the termination of such lease or leases of any and all improvements thereon, and on such other terms and conditions as the said city may determine, but for no purpose which will interfere with navigation or commerce; subject also to a reservation in all such leases or such wharfing out privileges of a street, or of such other reservation as the said city may determine for sewer outlets, and for gas and oil mains, and for hydrants, and for electric cables and wires, and for such other conduits for municipal purposes, and for such public and municipal purposes and uses as may be deemed necessary by the said city; *provided, however*, that each person, firm or corporation or their heirs, successors or assigns now in possession of land or lands abutting on said lands, within the boundaries of the city of Berkeley, shall have a right to obtain a lease for a term of twenty-five years from said city of said land and wharfing out privileges therefrom with a right of renewal for a further term of twenty-five years pursuant to the provisions of this act and on such terms and conditions as said city may determine and specify, subject to the right of said city to terminate said lease at the end of the first twenty-five years or refuse to renew the same, or to terminate the lease so renewed during the term of such renewed lease on such just and reasonable terms for compensation for improvements at the then value of said improvements as said city may determine and specify. Upon obtaining such lease and wharfing out privileges such

person, firm or corporation, their heirs or assigns, shall quit-claim to said city any right they or any of them may claim or have to the said lands hereby granted. This grant shall carry the right to such city of the rents, issues and profits in any manner hereafter arising from the lands or wharfing out privileges hereby granted. The State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California. No discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors in the management, conduct or operation of any of the utilities, structures or appliances mentioned in this section. There is hereby reserved in the people of the State of California the right to fish in the waters on which said lands may front with the right of convenient access to said waters over said lands for said purpose.

Right to use wharves reserved to state.

No discrimination in rates.

Right to fish reserved.

SEC. 2. The foregoing conveyance is made upon the condition that the city of Berkeley shall, within five years from the approval of this act, exclusive of such time as said city may be restrained from so doing by injunction issued out of any court of this state or of the United States, and exclusive of such further delay as may be caused by unavoidable misfortune or great public or municipal calamity, issue its bonds for harbor improvement purposes in an amount of money of not less than five hundred thousand dollars, and shall, within five years after the approval of this act, exclusive of the time in this section hereinbefore mentioned, commence the work of such harbor improvement, and the said work and improvement shall be prosecuted with such diligence that not less than five hundred thousand dollars shall be expended thereon within five years from the approval of this act exclusive of the time in this section hereinbefore mentioned. If said bonds be not issued or said work be not prosecuted and completed as and in the manner herein provided, then the lands by this act conveyed to the city of Berkeley shall revert to the State of California.

Must expend five hundred thousand dollars within five years.

Lands may revert to state.

CHAPTER 348.

An act granting to the city of Alameda the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of Alameda, and regulating the management, use and control thereof.

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby granted to the city of Alameda, a municipal corporation of the State of California, and

Tide lands granted to Alameda.

to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all the salt marsh, tide and submerged lands, whether filled or unfilled, within the present boundaries of said city, and situated below the line of mean high tide of the Pacific ocean, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit:

Conditions
of grant.

That said lands shall be used by said city and its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California and with the requirements of commerce or navigation at said harbor, for a term not exceeding twenty-five years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be for any and all purposes which shall not interfere with navigation or commerce, with reversion to the said city on the termination of such lease or leases of any and all improvements thereon, and on such other terms and conditions as the said city may determine, but for no purpose which will interfere with navigation or commerce; subject also to a reservation in all such leases or such wharfing out privileges of a street, or of such other reservation as the said city may determine for sewer outlets, and for gas and oil mains, and for hydrants, and for electric cables and wires, and for such other conduits for municipal purposes, and for such public and municipal purposes and uses as may be deemed necessary by the said city; *provided, however*, that each person, firm or corporation or their heirs, successors or assigns now in possession of land or lands abutting on said lands, within the boundaries of the city of Alameda, shall have a right to obtain a lease for a term of twenty-five years from said city of said land and wharfing out privileges therefrom with a right of renewal for a further term of twenty-five years pursuant to the provisions of this act and on such terms and conditions as said city may determine and specify, subject to the right of said city to terminate said lease at the end of the first twenty-

Franchises
for
wharves,
etc.

Persons in
possession
to have
first right.

five years or refuse to renew the same, or to terminate the lease so renewed during the term of such renewed lease on such just and reasonable terms for compensation for improvements at the then value of said improvements as said city may determine and specify.

Upon obtaining such lease and wharfing out privileges such person, firm or corporation, their heirs or assigns, shall quitclaim to said city any right they or any of them may claim or have to the said lands hereby granted. Quitclaim to city.

This grant shall carry the right to such city of the rents, issues and profits in any manner hereafter arising from the lands or wharfing out privileges hereby granted.

The State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California. Right to use wharves reserved to state.

No discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors in the management, conduct or operation of any of the utilities, structures or appliances mentioned in this section. No discrimination in rates.

There is hereby reserved in the people of the State of California the right to fish in the waters on which said lands may front with the right of convenient access to said waters over said lands for said purpose. Right to fish reserved.

Sec. 2. The foregoing conveyance is made upon the condition that the city of Alameda shall, within five years from the approval of this act, exclusive of such time as said city may be restrained from so doing by injunction issued out of any court of this state or of the United States, and exclusive of such further delay as may be caused by unavoidable misfortune or great public or municipal calamity, issue its bonds for harbor improvement purposes in an amount of money of not less than two hundred thousand dollars, and shall, within five years after the approval of this act, exclusive of the time in this section hereinbefore mentioned, commence the work of such harbor improvement, and the said work and improvement shall be prosecuted with such diligence that not less than two hundred thousand dollars shall be expended thereon within five years from the approval of this act exclusive of the time in this section hereinbefore mentioned. If said bonds be not issued or said work be not prosecuted and completed as and in the manner herein provided, then the lands by this act conveyed to the city of Alameda shall revert to the State of California. Must expend two hundred thousand dollars within five years.

Lands may revert to state.

CHAPTER 349.

An act to amend sections 1897, 1898, 1900, 1901, and 1902, of the Political Code of the State of California, relating to making a roll of persons subject to military duty and prescribing the duties of certain officers in relation thereto and the compensation therefor, and providing penalties in relation thereto.

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1897 of the Political Code of the State of California is hereby amended to read as follows:

Assessor
to make
roll of
citizens
subject to
military
duty.

1897. The county assessor of each county, and the assessor of each city and county of this state, must at the time in each odd-numbered year when he prepares a roll containing the taxable inhabitants of his county or city and county, enroll all the inhabitants thereof subject to military duty, two copies of which roll must be sworn to by him and delivered to the clerk of the board of supervisors at the same time the said assessor delivers the assessment roll. For the purpose of facilitating the making of the military roll by the assessor, as provided in this chapter, it shall be the duty of the county clerk or officer authorized to make a register of voters in each county, to require a statement of every male voter at the time he applies for registration, as to whether or not such voter is subject to and qualified for military duty, and such statement shall be entered on the voter's affidavit of registration. The said assessor shall examine the aforesaid affidavits of registration and make a list therefrom of all persons eligible for military duty. The said assessor when making the annual assessments of property shall inscribe on each statement of property the age of the male citizen making the statement, if such citizen is between the ages of eighteen and forty-five years and is subject to military duty, and shall make a list thereof. If unable to ascertain the age upon inquiry from the person making such statement, the assessor shall estimate such person's age. The assessor shall also ascertain from each male citizen purchasing a poll tax receipt, his age and if such citizen is subject to military duty, enter the same in the receipt book stub and make a list thereof, and if such citizen refuses to state his age, the assessor shall estimate the same and keep a record thereof as so estimated, if of military age. The principal of each university, college, academy, high school, or other institution of learning in this state, shall on or before the first day of June of each year, send to the assessor of the county, or city and county in which such institution of learning is situated, a list duly verified by such principal, containing the names and ages of all male pupils attending such university, college, academy, high school or other institution of learning, subject

Age of
citizen.

Principals
of colleges
to furnish
lists.

to military duty, under the provisions of section 1895 of this chapter. The said assessor, after comparing the lists thus furnished him by the principals of said institutions of learning and the lists compiled by him from assessment statements and from poll tax receipt book stubs, with the list of registered voters from the office of the county clerk or other person authorized to register voters subject to military duty, to avoid duplication of names, shall consolidate said lists and add thereto the names of any other persons subject to military duty about whose qualifications therefor he may be reliably informed. This consolidated list shall constitute the military roll for such county or city and county.

SEC. 2. Section 1898 of the Political Code of the State of California is hereby amended to read as follows:

1898. If any county or city and county assessor neglects or refuses to perform any of the duties required of him by the provisions of this chapter, he is subject to the same liabilities as are provided by law for a neglect or refusal to perform any of the duties required of him in the assessment of taxes, and in addition, forfeits not less than three hundred nor more than one thousand dollars, to be sued for in the name of the people of the state, by the district attorney for the respective counties or city and counties and when recovered to be paid into the military fund of the state. The principal of each university, college, academy, high school or other institution of learning, who shall neglect or refuse to perform any of the duties required of him by the provisions of this chapter, shall be deemed guilty of a misdemeanor.

Liability of assessor, etc., failing to perform duty.

SEC. 3. Section 1900 of the Political Code of the State of California is hereby amended to read as follows:

1900. The clerk of the board of supervisors must deliver to the adjutant general of the State of California, a copy of the consolidated roll required by section 1897 of this chapter, certified by him within ten days after the board of equalization has completed its corrections.

Copy of roll to adjutant general.

SEC. 4. Section 1901 of the Political Code of the State of California is hereby amended to read as follows:

1901. The compensation of the principal of any institution of learning for furnishing the list required of him shall be three cents for each name furnished, and the compensation of the assessor shall be five cents for each name appearing on the consolidated military roll of his county so made by him. The said sums to be charges against the county and to be collected as other claims against the county are collected.

Compensation for making roll.

SEC. 5. Section 1902 of the Political Code of the State of California is hereby amended to read as follows:

1902. The adjutant general must, during each odd-numbered year, make by consolidation or otherwise, a muster roll from the military rolls received by him, which roll shall be signed by him and filed in his office. Said muster roll shall show the number of persons within the State of California

Adjutant general to make muster roll.

subject to military duty and shall, together with the rolls received by him, constitute the military roll for this state, until the making of a new roll for the next odd numbered year, unless during said time the governor shall deem it necessary to make a special enrollment as provided in section 1903 of this chapter.

CHAPTER 350.

An act to amend the Penal Code of the State of California by adding thereto a new section to be numbered 653e, relating to blacklisting.

[Approved June 12, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby added to the Penal Code of the State of California a new section to be numbered section 653e and to read as follows:

Blacklist-
ing of
former
employees
prohibited.

653e. Any person, firm or corporation, or officer or director of a corporation, or superintendent, manager or other agent of such person, firm or corporation who, after having discharged an employee from the service of such person, firm or corporation or after having paid off an employee voluntarily leaving such service, shall, by word, writing or any other means whatsoever, misrepresent and thereby prevent or attempt to prevent such former employee from obtaining employment with any other person, firm or corporation, shall be punished by a fine not exceeding two thousand dollars and shall be liable in treble damages to any such employee sustaining damages through a violation of this section. Any person, firm or corporation who shall knowingly cause, suffer or permit an agent, superintendent, manager or other employee in his or its employ to commit a violation of this section, or who shall fail to take all reasonable steps within his or its power to prevent such violation of this act, shall be guilty of a violation of the provisions of this section and be subject to the penalty hereinbefore provided. Nothing in this section shall be construed to prevent an employer as hereinbefore defined or an agent, employee, superintendent or manager of such employer to furnish, upon special request therefor, a truthful statement concerning the reason for the discharge of an employee or why an employee voluntarily left the service of the employer; *provided, however,* that if such statement shall in connection therewith furnish any mark, sign or other means whatever conveying information different from that expressed by words therein, such fact, or the fact that such statement or other means of furnishing information was given without a special request therefor, shall be prima facie evidence of a violation of the provisions of this section.

Penalty.

May fur-
nish truth-
ful state-
ment.

CHAPTER 351.

An act to provide for the supplying the county auditor with a report of commitments to public institutions.

[Approved June 12, 1913. In effect August 10, 1913.]

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

SECTION 1. The county clerk of each county shall certify to the county auditor on the first day of each month, a list of all commitments to any public institution in the state, including reform schools, insane asylums, and other public institutions of like nature; such certificate shall also contain a statement of the reason for the person so committed, and of the term of commitment, if the term be definitely fixed.

Monthly certificate of commitments to public institutions.

CHAPTER 352.

An act to amend an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employes and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect, or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman or any other agent of any such employer to violate the provisions of this act," approved March 22, 1911.

[Approved June 12, 1913. In effect August 10, 1913.]

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

SECTION 1. An act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect, or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any

overscer, superintendent, foreman or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, is hereby amended to read as follows:

Females not to work more than eight hours per day.

Section 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, public lodging house, apartment house, hospital, place of amusement, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in this state more than eight hours during any one day or more than forty-eight hours in one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than eight hours during the twenty-four hours of one day, or forty-eight hours during any one week; *provided, however*, that the provisions of this section in relation to hours of employment shall not apply to nor affect the harvesting, curing, canning or drying of any variety of perishable fruit or vegetable, nor to graduate nurses in hospitals.

Not applicable to harvesting, etc.

Seats for female employees.

SEC. 2. Every employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or other establishment employing any female, shall provide suitable seats for all female employees, and shall permit them to use such seats when they are not engaged in the active duties of their employment.

Enforcement of act.

SEC. 3. The bureau of labor statistics shall enforce the provisions of this act. The commissioner, his deputies and agents, shall have all powers and authority of sheriffs or other peace officers, to make arrests for violations of the provisions of this act, and to serve all processes and notices thereunder throughout the state.

Penalty.

SEC. 4. Any employer who shall permit or require any female to work in any of the places mentioned in section one more than the number of hours provided for in this act during any day of twenty-four hours, or who shall fail, neglect, or refuse to so arrange the work of females in his employ so that they shall not work more than the number of hours provided for in this act during any day of twenty-four hours, or who shall fail, neglect, or refuse to provide suitable seats as provided in section two of this act, or who shall permit or suffer any overseer, superintendent, foreman, or other agent of any such employer to violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for a first offense, by a fine of not less than twenty-five dollars nor more than fifty dollars; for a second offense, by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars; or by imprisonment for not more than sixty days, or by both such fine and imprisonment. All fines imposed and collected under the provisions of this act shall be paid into the state treasury and credited to the contingent fund of the bureau of labor statistics.

Disposition of fines.

CHAPTER 353.

An act to define investment companies, investment brokers, and agents; to provide for the regulation, supervision and licensing thereof; to provide penalties for the violation thereof; to create the office of commissioner of corporations, and making an appropriation therefor.

[Approved May 28, 1913. In effect November 1, 1913.]

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

SECTION 1. This act shall be known as the "investment companies act." Title of act.

SEC. 2. (a) The term "investment company," when used in this act, includes every private corporation, association, copartnership and company, which shall within this state, sell, offer for sale, negotiate for the sale of or take subscriptions for any stock, stock certificate, bond or other evidence of indebtedness of any kind or character, issued or to be issued by itself, other than promissory notes not offered to the public by the maker thereof. Definitions: "investment company."

(b) The term "security," when used in this act, includes the stock, stock certificates, bonds, and other evidences of indebtedness, other than promissory notes not offered to the public by the maker thereof, of an investment company. "security."

(c) The term "investment broker," when used in this act, includes every corporation, association, copartnership, company and person who shall within this state regularly engage in the business of selling, offering for sale or negotiating for the sale, as agent or contractor, of any security of more than one investment company. The term "contractor" means any one who undertakes to sell securities for an investment company for a commission or other consideration. "investment broker,"
"contractor,"

(d) The term "agent," when used in this act, includes every corporation, association, copartnership, company and person who shall within this state sell, offer for sale, negotiate for the sale of or take subscriptions for any security of an investment company, either as an employee on a salary basis or for a commission, if acting either for the investment company or an investment broker. "agent."

(e) The term "sale," when used in this act, means the original transfer of title of its own securities from an investment company for any valuable consideration. "sale."

SEC. 3. This act shall not apply to corporations, associations, copartnerships, companies, firms and individuals now or hereafter subject to the jurisdiction or authority of the railroad commission, nor to corporations, associations, copartnerships, companies, firms and individuals after they have secured from the state banking department, the insurance commissioner or the bureau of building and loan supervision a certificate of authority or license to do business within this state, nor to corporations, associations, copartnerships or companies, subject to federal regulation or not organized for Not applicable to corporations subject to railroad commission, etc.

profit, nor to mutual water companies and irrigation districts, nor to the stocks, stock certificates, bonds or other evidences of indebtedness of such corporations, associations, copartnerships, companies, firms or individuals.

Applica-
tion for
permission
to sell
securities.

SEC. 4. (a) Before selling, offering for sale, negotiating for the sale, or taking subscriptions for, any security of any kind or character, each investment company shall file in the office of the commissioner of corporations of this state, an application for permission so to do, together with a filing fee, as hereinafter prescribed, an itemized statement of its financial condition, in such form and detail as the commissioner of corporations may prescribe, a copy of all contracts which it proposes to make with or sell to the public, a certified copy of its charter, articles of incorporation or articles of association and all amendments thereto, and such additional information pertaining thereto as the commissioner of corporations may, from time to time, prescribe. Said filing fee shall be five dollars if the par or face value of said security amounts to twenty-five thousand dollars or less; ten dollars if the par or face value of said security amounts to over twenty-five thousand dollars and not over fifty thousand dollars; fifteen dollars if the par or face value of said security amounts to over fifty thousand dollars and not over seventy-five thousand dollars; twenty dollars if the par or face value of said security amounts to over seventy-five thousand dollars and not over one hundred thousand dollars; and twenty-five dollars if the par or face value of said security amounts to over one hundred thousand dollars.

Filing fee.

Securities
not for
sale to
public
exempt.

(b) If the investment company does not desire to sell its securities to the public the commissioner of corporations may make his written finding to that effect. Upon the filing of said finding the investment company and its securities shall be exempt from the provisions of this act until the commissioner of corporations makes and files his order setting aside said finding. The commissioner of corporations shall have power to make his order setting aside said finding if he finds that the investment company is selling its securities to the public, or for other good cause.

Companies
organized
in other
states.

(c) If such company is organized or created under or by virtue of the laws of any other state, territory or government, it shall also file in the office of the commissioner of corporations a certified copy of the law or laws under which it is organized or incorporated, and all amendments thereto, and also, in such form as the commissioner of corporations may prescribe, its written instrument, irrevocable, appointing the commissioner of corporations or his successor in office its true and lawful attorney, upon whom all process in any action or proceeding against it may be served with the same effect as if said company were organized or created under the laws of this state and had been lawfully served with process therein. Service upon such attorney shall be deemed personal service upon such company. The commissioner of corporations shall

Attorney
upon
whom
process
may be
served.

forthwith forward by mail, postage prepaid to the person designated by such company by written instrument filed with the commissioner of corporations at the address given in said instrument, or, in case no such instrument has been filed, to the secretary of such company at its last known post-office address, a copy of every process served upon him under the provisions of this section. For each copy of process, the commissioner of corporations shall collect the sum of two dollars, which shall be paid by the plaintiff or moving party at the time of such service, to be recovered by him as part of his taxable costs, if he succeeds in the suit or proceedings. Service shall not be deemed complete until said fee has been paid, and said copy of process mailed as hereinbefore directed.

Fee.

SEC. 5. It shall be the duty of the commissioner of corporations to examine the statement and other information so filed, and he may, if he deems it advisable, make, or have made, at applicant's cost as hereinafter in this act specified, a detailed examination, audit and investigation of the investment company's affairs, providing that the investment company may at its option, in writing, refuse to have such examination, audit or investigation made, whereupon the commissioner of corporations must reject the application. If he finds that the proposed plan of business of the investment company is not unfair, unjust, or inequitable the commissioner of corporations shall issue to the investment company a certificate, authorizing it to sell securities, as therein specified within this state, reciting that the company has complied with the provisions of this act, that detailed information concerning the investment company and its securities is on file in the office of the commissioner of corporations and that the investment company is authorized to sell said securities within this state on such conditions, if any, as the commissioner of corporations may in said certificate prescribe. Said certificate shall recite in bold type that the issuance of this certificate is permissive only and does not constitute a recommendation or indorsement of said securities. The commissioner of corporations may impose such conditions as he may deem necessary to the issue of said securities, and may, from time to time, for cause, rescind, alter or amend the certificate. If the commissioner of corporations finds that the proposed plan of business of the investment company is unfair, unjust, or inequitable or that it does not intend to do a fair and honest business, he shall refuse to issue the certificate and shall notify the investment company in writing of his decision. It shall be unlawful to issue any security to which this act is applicable unless a certificate or a temporary permit authorizing the issue thereof shall first have been secured from the commissioner of corporations as provided in this act; and it shall further be unlawful for any investment company, investment broker or agent as in this act defined, to sell, offer for sale, negotiate for the sale of or take subscriptions for any stock, stock certificate, bond or

Commissioner to examine company's affairs before issuing certificate.

Certificate not recommendation.

Grounds for refusing certificate.

Unlawful to issue securities without certificate.

other evidence of indebtedness of any kind or character without exhibiting to the prospective purchaser or prospective purchasers of such securities, or any thereof, a copy of the certificate issued to such investment company in accordance herewith. A corporation may without applying for a certificate under the provisions of this act issue to each of its directors one share of stock for the purpose of qualifying as directors. The commissioner of corporations, if satisfied that the investment company intends to do a fair, just and equitable business, may, forthwith upon the filing of the statement and other papers required by section four of this act, issue to said investment company, upon such conditions as he may prescribe, a temporary permit to issue its securities pending the examination of said statement and other papers, and may, from time to time, for cause, rescind, alter or amend said temporary permit.

Stock to
directors.

Temporary
permit.

Invest-
ment
brokers'
permit.

SEC. 6. The provisions of sections four and five of this act, in so far as applicable, shall apply to investment brokers; *provided*, that the commissioner of corporations may, if he finds that the applicant has a good business reputation and deals only in good securities, issue to an investment broker a general permit entitling such investment broker to sell securities within this state, authorized by him, until the first of March following, when it will be necessary to secure a new general permit. For each such general permit the commissioner of corporations shall charge the sum of five dollars. Such general permit, however, shall be subject to revocation by the commissioner of corporations at any time for cause appearing to him sufficient. The commissioner of corporations shall forthwith mail written notice of such revocation to the investment broker.

Fee.

Certifi-
cates for
investment
brokers'
agents.

SEC. 7. Any investment company or investment broker may appoint one or more agents, but it shall be unlawful for any such agent to do any business as specified in this act until he shall have secured from the commissioner of corporations a certificate authorizing him to represent such investment company or investment broker within this state until the first of March following, when it will be necessary to secure a new certificate. For each certificate the commissioner of corporations shall charge the sum of one dollar. Such certificate, however, shall be subject to revocation by the commissioner of corporations at any time for cause appearing to him sufficient.

Fee.

Supervi-
sion and
control of
companies
and
brokers.

SEC. 8. The commissioner of corporations shall have general supervision and control, as provided in this act, over any and all investment companies and investment brokers, and all such investment companies and investment brokers shall be subject to examination by the commissioner of corporations or a duly authorized deputy at any time the commissioner of corporations may deem it advisable to have such examination made to carry out any provision of this act, and in the same manner and with the same powers as is now, or may hereafter be provided for the examination of state banks. Such investment company or investment broker shall pay to the commissioner of

Examina-
tion fee.

corporations, for each examination, a fee of ten dollars and traveling expenses for each day or fraction thereof that he or his deputy shall necessarily be absent from his office for the purpose of making such examination, and the failure or refusal of any investment company or investment broker to pay such fee upon the demand of the commissioner of corporations shall work a forfeiture of its or his rights to sell any further securities in this state until such fee shall have been paid to the commissioner of corporations, with interest at the rate of seven per cent from the time of the demand of the commissioner of corporations and an additional twenty-five per cent of such fee by way of penalty.

SEC. 9. It shall be unlawful for any investment company, investment broker or agent to issue, circulate or deliver any advertisement, pamphlet, prospectus, circular or statement or other document in regard to securities which it desires to sell in this state until after such investment company, investment broker or agent shall have been licensed to sell such securities as provided in this act. It shall be unlawful for any such licensed investment company, investment broker or agent to issue, circulate or deliver any such advertisement, pamphlet, prospectus, circular, statement or other document, unless the same shall be signed with the name of the investment company or investment broker and bear a serial number and a copy thereof shall first have been filed with the commissioner of corporations. The commissioner of corporations may for cause object to any such advertisement, pamphlet, prospectus, circular, statement or other document, whereupon it shall be unlawful for such investment company, investment broker or agent to further issue, circulate or deliver such advertisement, pamphlet, prospectus, circular, statement or other document.

Advertisements,
circulars,
etc.

SEC. 10. (a) Every investment company, until it shall have sold all the securities authorized by the commissioner of corporations and disposed of the proceeds thereof, shall file in the office of the commissioner of corporations, under date of December 31st and June 30th of each year, and within fifteen days after said dates, and also at such other times as may be required by the commissioner of corporations, a report setting forth in such form as the commissioner of corporations may prescribe, the securities authorized by him and sold under the provisions of this act, the proceeds derived therefrom, the disposition of such proceeds and such other information concerning its affairs relating to the subject matter of this act, as the commissioner of corporations may require.

Semi-annual
reports.

(b) Every investment broker shall when called upon by the commissioner of corporations file in his office a report giving such information as he may call for, relating to the securities, the sale of which has been authorized under the provisions of this act.

Broker's
reports on
securities.

SEC. 11. All papers, documents, reports and other instruments in writing filed with the commissioner of corporations under this act shall be open to public inspection; *pro-*

Papers
open to
public
inspection.

vided, that if in his judgment the public welfare or the welfare of any investment company demands that any portion of such information be not made public he may withhold such information from public inspection for such time as in his judgment is necessary.

Appeal
from com-
missioner's
decision.

SEC. 12. An appeal may be taken from any decision of the commissioner of corporations under this act by filing with the clerk of the superior court of the State of California, in and for the city and county of San Francisco, a certified transcript of all papers in the office of the commissioner of corporations relating to such decision. It shall be the duty of the commissioner of corporations to make and certify to said transcript upon payment to him of a fee of ten cents for each folio and one dollar for the certification. The court shall upon such appeal be limited to a consideration of the question whether there has been abuse of discretion on the part of the commissioner of corporations in making such decision.

Penalty
for false
statement

SEC. 13. Any person who shall knowingly or wilfully subscribe to or make or cause to be made any false statement or false entry in any book of any investment company or investment broker, or exhibit any false paper with the intention of deceiving any person authorized to examine into its affairs, or who shall make or publish any false or misleading statement of its financial condition or concerning the securities by it offered for sale, shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding one thousand dollars or by imprisonment in a county jail not exceeding one year or by both such fine and imprisonment.

Penalty
for com-
pany vio-
lating act.

SEC. 14. Any corporation, association, copartnership or company which violates or fails to comply with any of the provisions of this act, or which fails, omits or neglects to obey, observe or comply with any order, decision, demand or requirement, or any part or provision thereof, of the commissioner of corporations under the provisions of this act, is subject to a penalty of not less than five hundred dollars nor more than two thousand dollars for each and every offense, which penalty if unpaid after demand by the commissioner of corporations shall be recovered in an action brought in the name of the people of the State of California by the attorney general.

Penalty
for person
violating
act.

SEC. 15. Every person who violates or fails to comply with any of the provisions of this act or who fails, omits or neglects to obey, observe or comply with any order, decision, demand or requirement, or any part or provision thereof, of the commissioner of corporations under the provisions of this act in any case in which a different penalty is not specifically provided, is guilty of a misdemeanor and is punishable by a fine of not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

Corpora-
tion de-
partment
created.

SEC. 16. There is hereby created a state corporation department. The chief officer of such department shall be the commissioner of corporations. He shall be appointed by the

governor and hold office at the pleasure of the governor. He shall receive an annual salary of five thousand dollars, to be paid monthly out of the state treasury upon a warrant of the controller. He shall within fifteen days from the time of notice of his appointment take and subscribe to the constitutional oath of office and file the same in the office of the secretary of state and execute to the people of the state a bond in the penal sum of ten thousand dollars with corporate security or two or more sureties, to be approved by the governor of the state, for the faithful discharge of the duties of his office.

Salary.

Bond.

SEC. 17. The commissioner of corporations shall employ such clerks and deputies as he may need to discharge in proper manner the duties imposed upon him by law. Neither the commissioner of corporations nor any of his clerks or deputies shall be interested in any investment company, or investment broker, as director, stockholder, officer, member, agent or employee. Such clerks and deputies shall perform such duties as the commissioner of corporations shall assign to them. He shall fix the compensation of such clerks and deputies which compensation shall be paid monthly on the certificate of the commissioner of corporations, and on the warrant of the controller out of the state treasury; *provided, however*, that the total expenditures provided for in this act shall not exceed fifty thousand dollars per annum. Each deputy shall within fifteen days after his appointment take and subscribe to the constitutional oath of office and file the same in the office of the secretary of state.

Deputies.

Compensation.

Total expenditure.

SEC. 18. The commissioner of corporations shall have his office in the city of Sacramento and he shall from time to time obtain the necessary furniture, stationery, fuel, light and other proper conveniences for the transaction of the business of the state corporation department, the expenses of which shall be paid out of the state treasury on the certificate of the commissioner of corporations and the warrant of the controller.

Office of commissioner.

SEC. 19. A fund is hereby created to be known as the "corporation commission fund" and out of said fund shall be paid all the expenses incurred in and about the conduct of the business of the corporation department, including the salary of the commissioner and his clerks and deputies, traveling expenses, furnishing rooms and rent. All moneys collected or received by the commissioner of corporations under and by virtue of the provisions of this act shall be delivered by him to the treasurer of the state, who shall deposit the same to the credit of said corporation commission fund. And all such fund so deposited or such part thereof as may be necessary for the purposes of this act are hereby appropriated to the use of the corporation commission fund for the purposes of this act. It shall be the duty of the commissioner of corporations semiannually to certify under oath to the state treasurer and secretary of state the total amount of receipts and expenditures of the state corporation department for the six months preceding. All fees and payments of every descrip-

Corporation commission fund.

tion required by this act to be paid to the commissioner of corporations shall be paid by him to the state treasurer on the first day of each week following their receipt by the commissioner of corporations.

Seal.

SEC. 20. The commissioner of corporations shall adopt a seal with the words "Commissioner of Corporations, State of California," and such other device as the commissioner of corporations may desire engraved thereon by which he shall authenticate the proceedings of his office. Copies of all records and papers in the office of the corporation department shall be received in evidence of all cases equally and with like effect as the originals.

Reports
as evi-
dence.

SEC. 21. Every official report made by the commissioner of corporations and every report, duly verified, of an examination made, shall be prima facie evidence of the facts therein stated for all purposes in any action or proceedings wherein any investment company or investment broker is a party.

Constitu-
tionality
of act.

SEC. 22. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SEC. 23. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Appropri-
ation.

SEC. 24. The sum of ten thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated for the purpose of carrying this act into effect.

In effect.

SEC. 25. This act shall take effect November 1, 1913.

CHAPTER 354.

An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 11, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act.

[Approved June 2, 1913. In effect August 10, 1913.]

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

Board of
medical
examiners
created.

SECTION 1. A board of medical examiners to consist of ten members, and to be known as the "board of medical examiners

of the State of California," is hereby created and established. The governor shall appoint the members of the board, each of whom shall have been a citizen of this state for at least five years next preceding his appointment. Each of the members shall be appointed from among persons who hold licenses under any of the medical practice acts of this state. The governor shall fill by appointment all vacancies on the board. The term of office of each member shall be four years; *provided*, that of the first board appointed, three members shall be appointed for one year, two for two years, two for three years and three for four years, and that thereafter all appointments shall be for four years, except that appointments to fill vacancies shall be for the unexpired term only. No person in any manner owning any interest in any college, school or institution engaged in medical instruction shall be appointed on the board, nor shall more than one member of the board be appointed from the faculty of any one university, college, or other educational institution. The governor shall have power to remove from office any member of the board for neglect of duty required by this act, for incompetency, or for unprofessional conduct. Each member of the board shall, before entering upon the duties of his office, take the constitutional oath of office.

Term.

Not to own medical college.

Removal of members.

SEC. 2. The board shall be organized on or before the first Tuesday of September, 1913, by electing from its number a president, vice-president, secretary, and treasurer, who shall hold their respective positions during the pleasure of the board. The board shall hold one meeting annually beginning on the second Tuesday in January in the city of Sacramento and at least two additional meetings annually, one of which shall be held in the city of Los Angeles and the other in the city of San Francisco, with power of adjournment from time to time until its business is concluded; *provided, however*, that examinations of applicants for certificates may, in the discretion of the board, be conducted in any part of the state designated by the board. Special meetings of the board may be held at such time and place as the board may designate. Notice of each regular or special meeting shall be given twice a week for two weeks next preceding each meeting in one daily paper published in the city of San Francisco, one published in the city of Sacramento, and one published in the city of Los Angeles, which notice shall also specify the time and place of holding the examination of applicants. The board shall receive through its secretary applications for certificates provided to be issued under this act and shall, on or before the first day of January of each year, transmit to the governor a full report of all its proceedings together with a report of its receipts and disbursements. The board shall, on or before the first day of January of each year, compile a complete directory giving the addresses of all persons within the State of California who hold unrevoked licenses to practice under any medical practice act of the State of California, which license shall in any manner authorize the treatment of human

Organization of board.

Meetings.

Notice of meetings.

Reports.

Directory of practitioners.

beings for diseases, injuries, deformities, or any other physical or mental conditions. The board is hereby authorized to require said persons to furnish such information as it may deem necessary to enable it to compile the directory. The directory shall contain in addition to the names and addresses of said persons, the names and symbols indicating the title, name or names, school or schools, which such person has attended and from which graduated, the date of issuance of the license, the present residence of said person and a statement of the form of certificate held. The directory shall be prima facie evidence of the right of the person or persons named therein to practice. It shall be the duty of every person holding a license to practice under any medical act of this state, or who may hereafter be so licensed to practice, to report immediately each and every change of residence, giving both the old and the new address.

Office of board.

SEC. 3. The office of the board shall be in the city of Sacramento and in all legal proceedings against the board said city shall be deemed to be the residence of the members thereof.

Rules.

SEC. 4. The board may from time to time adopt such rules as may be necessary to enable it to carry into effect the provisions of this act. It shall require the affirmative vote of seven members of said board to carry any motion or resolution, to adopt any rules, to pass any measure, or to authorize the issuance of any certificate as in this act provided. Any member of the board may administer oaths in all matters pertaining to the duties of the board, and the board shall have authority to take evidence in any matter cognizable by it. The board shall keep an official record of all its proceedings, a part of which record shall consist of a register of all applicants for certificates under this act, together with the action of the board upon each application.

Administration of oaths.

Official record.

Prosecution of violators.

SEC. 5. The board is authorized to prosecute all persons guilty of violation of the provisions of this act. It shall have the power to employ legal counsel for such purpose, and may also employ such clerical assistance as it may deem necessary to carry into effect the provisions of this act. The board may fix the compensation to be paid for such service and may incur such other expenses as it may deem necessary. It shall also fix the salary of the secretary, not to exceed the sum of eighteen hundred dollars (\$1800) per annum, and the sum to be paid to other members of the board, not to exceed ten dollars (\$10) per diem each, for each and every day of actual service in the discharge of official duties; and the board may, in its discretion, add to said sum necessary traveling expenses.

Salary of secretary.

Report of receipts.

SEC. 6. All fees collected on behalf of the board of medical examiners, and all receipts of every kind and nature, shall be reported at the beginning of each month, for the month preceding, to the state controller, and at the same time the entire amount of such collections shall be paid into the state treasury, and shall be credited to a fund to be known as the board of

medical examiners' contingent fund, which fund is hereby created. Such contingent fund shall be for the uses of the board of medical examiners and out of it shall be paid all salaries and all other expenses necessarily incurred in carrying into effect the provisions of this act. An amount not to exceed one thousand dollars (\$1,000) may be drawn from the contingent fund herein created, to be used as a revolving fund where cash advances are necessary; but expenditures from such revolving fund must be substantiated by vouchers and itemized statements at the end of each fiscal year, or at any other time when demand therefor is made by the board of control.

Use of contingent fund.

Revolving fund.

SEC. 7. Every applicant for a certificate shall pay to the secretary of the board a fee of twenty-five dollars (\$25), which shall be paid to the treasurer of the board by said secretary. In case the applicant's credentials are insufficient or in case he does not desire to take the examination, the sum of ten dollars (\$10) shall be retained, the remainder of the fee being returnable on application.

Fee of applicant for certificate.

SEC. 8. Two forms of certificates shall be issued by said board under the seal thereof and signed by the president and secretary; first, a certificate authorizing the holder thereof to use drugs or what are known as medicinal preparations in or upon human beings and to sever or penetrate the tissues of human beings and to use any and all other methods in the treatment of diseases, injuries, deformities, or other physical or mental conditions, which certificate shall be designated "physician and surgeon certificate"; second, a certificate authorizing the holder thereof to treat diseases, injuries, deformities, or other physical or mental conditions without the use of drugs or what are known as medicinal preparations and without in any manner severing or penetrating any of the tissues of human beings except the severing of the umbilical cord, which certificate shall be designated "drugless practitioner certificate." A "reciprocity certificate" shall also be issued under the provisions hereinafter specified. Any of these certificates on being recorded in the office of the county clerk, as hereinafter provided, shall constitute the holder thereof a duly licensed practitioner in accordance with the provisions of his certificate.

Forms of certificates.

First.

Second.

Reciprocity certificate.

SEC. 9. Every applicant must file with the board, at least two weeks prior to the regular meeting thereof, satisfactory testimonials of good moral character, and a diploma or diplomas issued by some legally chartered school or schools approved by the board, the requirements of which school or schools shall have been at the time of granting such diploma or diplomas in no degree less than those required under this act, or satisfactory evidence of having possessed such diploma or diplomas, and must file an affidavit stating that he is the person named in said diploma or diplomas, and that he is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination without fraud or misrep-

Testimonials, diplomas, etc., of applicant to be filed.

sentation; *provided*, that in addition thereto, each applicant for a "physician and surgeon certificate" must show that he has attended four courses of study, each such course to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously or consecutively, and that at least ten months shall have intervened between the beginning of any course and the beginning of the preceding course; *provided, further*, that an applicant for a "drugless practitioner certificate" must show that he has attended two courses of study, each such course to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously or consecutively, and that at least ten months shall have intervened between the beginning of any course and the beginning of the preceding course; *provided, also*, that before July 1, 1918, in lieu of the diploma or diplomas and preliminary requirements herein referred to where the applicant can show to the satisfaction of the board of medical examiners that he has taken courses hereinafter required in a school or schools approved by the board totaling for applicants for "drugless practitioner certificates" not less than sixty-four weeks consisting of not less than twenty-four hundred hours and for "physician and surgeon certificates" totaling not less than one hundred twenty-eight weeks consisting of not less than forty-eight hundred hours, it being required that all applicants shall have received passing grades in all such courses, that the applicant or applicants shall be admitted to examination for their respective form of certificates.

In lieu of diploma before July 1, 1918.

Preliminary education.

The said application shall be made upon a blank furnished by said board and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as the board may by rule prescribe. In addition to the requirements hereinabove provided for, applicants for either form of certificate hereunder shall present to said board at the time of making such application a diploma from a California high school or other school in the State of California requiring and giving a full four years' course of same grade, or other schools elsewhere, requiring and giving a full four years' standard high school course, or its equivalent, approved by the board, together with satisfactory proof that he is the lawful holder of such diploma and that the same was procured in the regular course of instruction. In lieu of such diploma, the applicant may present: (1) a certificate from the college entrance examination board, or the college examining board of any state or territory showing that such applicant has successfully passed the examination of said board; or (2) if such applicant be thirty years or more of age he may show to the satisfaction of the board of medical examiners proof of preliminary education equivalent in training power to the foregoing requirements. After January 1, 1919, every applicant for a "physician and surgeon certificate" shall in addition to the foregoing requirements, present to the board satisfactory evidence that before

In lieu of high school diploma.

Work in physics, chemistry and biology.

beginning the study of medicine he has completed a course which includes at least one year of work, of college grade, in each of the subjects of physics, chemistry and biology.

SEC. 10. Applicants for either form of certificate shall file satisfactory evidence of having pursued in any legally chartered school or schools, approved by the board, a course of instruction covering and including the following minimum requirements:

Course of instruction.

FOR A "PHYSICIAN AND SURGEON CERTIFICATE."

Physicians.

<i>Group 1. 825 hours.</i>	
Anatomy -----	600 hours
Embryology -----	75 hours
Histology -----	150 hours
<i>Group 2. 620 hours.</i>	
Elementary chemistry and toxicology	140 hours
Advanced chemistry -----	180 hours
Physiology -----	300 hours
<i>Group 3. 700 hours.</i>	
Elementary bacteriology -----	60 hours
Advanced bacteriology -----	100 hours
Hygiene -----	90 hours
Pathology -----	450 hours
<i>Group 4. 240 hours.</i>	
Materia medica -----	80 hours
Pharmacology -----	105 hours
Therapeutics -----	55 hours
<i>Group 5. 1120 hours.</i>	
Dermatology and syphilis -----	45 hours
General medicine and general diagnosis -----	700 hours
Genito-urinary diseases -----	45 hours
Nervous and mental diseases -----	180 hours
Pediatrics -----	150 hours
<i>Group 6. 965 hours.</i>	
Laryngology, otology, rhinology ----	60 hours
Ophthalmology -----	60 hours
Surgery and surgical diagnosis -----	500 hours
Orthopedic surgery -----	45 hours
Physical therapy, including electrotherapy, X-ray, radiography, hydrotherapy -----	300 hours
<i>Group 7. 300 hours.</i>	
Gynecology -----	105 hours
Obstetrics -----	195 hours
<i>Miscellaneous. 30 hours.</i>	
Ethics, jurisprudence, etc. -----	30 hours
Total -----	4,800 hours

Drugless
practi-
tioners.

FOR A "DRUGLESS PRACTITIONER CERTIFICATE."

<i>Group 1. 615 hours.</i>	
Anatomy -----	510 hours
Histology -----	135 hours
<i>Group 2. 420 hours.</i>	
Elementary chemistry and toxicology	120 hours
Physiology -----	300 hours
<i>Group 3. 375 hours.</i>	
Elementary bacteriology -----	60 hours
Hygiene -----	45 hours
Pathology -----	270 hours
<i>Group 4. 120 hours.</i>	
Diagnosis -----	420 hours
<i>Group 5. 260 hours.</i>	
Manipulative and mechanical therapy-	260 hours
<i>Group 6. 300 hours.</i>	
Gynecology -----	105 hours
Obstetrics -----	195 hours
Total -----	2,400 hours

In the course of study herein outlined the hours required shall be actual work in the classroom, laboratory, clinic or hospital, and at least eighty (80) per cent of actual attendance shall be required; *provided*, that the hours herein required in any one subject need not exceed seventy-five (75) per cent of the number specified, but that the total number of hours in all the subjects of each group shall not be less than the total number specified for such group.

Additional
require-
ments for
physicians.

SEC. 11. In addition to above requirements, all applicants for "physician and surgeon certificates" must pass an examination to be given by the board in the following subjects:

1. Anatomy and histology.
2. Physiology.
3. Bacteriology and pathology.
4. Chemistry and toxicology.
5. Obstetrics and gynecology.
6. Materia medica and therapeutics, pharmacology, including prescription writing.
7. General medicine, including clinical microscopy.
8. Surgery.
9. Hygiene and sanitation.

For drug-
less prac-
titioners.

All applicants for "drugless practitioner certificates" must pass an examination in the following subjects:

1. Anatomy and histology,
2. Physiology,
3. General diagnosis.
4. Pathology and elementary bacteriology,
5. Obstetrics and gynecology,
6. Toxicology and elementary chemistry,
7. Hygiene and sanitation;

provided, that a person who holds a "drugless practitioner certificate," and who presents evidence of having successfully completed the additional courses required for the "physician and surgeon certificate" as hereinbefore provided, shall be permitted to take his examination in subjects required for a "physician and surgeon certificate" without being re-examined in "drugless practitioner" subjects.

All examinations shall be practical in character and designed to ascertain the applicant's fitness to practice his profession, and shall be conducted in the English language, and at least a portion of the examination in each of the subjects shall be in writing. There shall be at least ten questions on each subject, the answers to which shall be marked on a scale of zero to one hundred. Each applicant must obtain no less than a general average of seventy-five per cent, and not less than sixty per cent in any two subjects; *provided*, that any applicant shall be granted a credit of one per cent upon the general average for each year of actual practice since graduation; *provided, further*, that any applicant for "physician and surgeon certificate" obtaining seventy-five (75) per cent each in seven subjects, and any applicant for "drugless practitioner certificate" obtaining seventy-five per cent each in five subjects shall be subsequently re-examined in those subjects only in which he failed, and without additional fee.

Character of examinations.

General average.

The examination papers shall form a part of the records of the board, and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the board has finally voted upon the application. The secretary of the board shall in no instance participate as an examiner in any examination held by the board. All questions on any subject in which examination is required under this act shall be provided by the board of medical examiners upon the morning of the day upon which examination is given in such subject, and when it shall be shown that the secretary or any member of the board has in any manner given information in advance of or during examination to any applicant it shall be the duty of the governor to remove such person from the board of medical examiners, or from the office of secretary.

Papers kept on file.

Questions.

All certificates issued hereunder must state the extent and character of practice which is permitted thereunder and shall be in such form as shall be prescribed by the board.

Form of certificates.

SEC. 12. Any medical director, medical inspector, passed assistant surgeon, or assistant surgeon of the United States navy, honorably discharged, or temporarily detached, or placed upon the retired list without being discharged, from the medical department of the United States navy, or who by resignation has honorably severed all connection with the service, and any surgeon of the United States army, honorably discharged, or temporarily detached or placed upon the retired list without being discharged from the medical department of the United

Army and navy surgeons authorized to practice.

States army, or who by resignation has honorably severed all connection with the service, is hereby authorized to practice medicine and surgery within the State of California, by filing a sworn copy of his discharge, if he be discharged, or of the order temporarily detaching him or the order placing him upon the retired list, with the state board of medical examiners or by proving to the satisfaction of the board that by resignation he has honorably left the services of either the army or navy, and paying said board a fee of fifty dollars (\$50.00); *provided, however*, that this provision shall not apply to any contract surgeon in the United States army or navy, and shall not apply to any officer of medical reserve corps of either said army or navy.

Fee.

Certificates
to appli-
cants
licensed to
practice.

Sec. 13. Said board must also issue a "physician and surgeon certificate" to any applicant, without any examination, authorizing the holder thereof to practice medicine and surgery in the State of California, upon payment of a registration fee of fifty dollars (\$50.00), upon the following terms and conditions and upon satisfactory proof thereof, viz: The applicant shall produce a certificate entitling him to practice medicine and surgery, as provided for in said "physician and surgeon certificate," issued either by the medical examining board, or by any other board or officer authorized by the law to issue a certificate entitling such applicant to practice medicine and surgery, either in the District of Columbia, or in any state or territory of the United States, or if such certificate shall have been lost, then a copy thereof, with proof satisfactory to the board of medical examiners of the State of California that the copy is a correct copy. Said certificate must not have been issued to such applicant prior to the first day of August, 1901, and the requirements from the medical college from which such applicant may have graduated, and the requirements of the board which was legally authorized to issue such certificate permitting such applicant to practice medicine and surgery shall not have been, at the time such certificate was issued, in any degree or particular less than those which were required for the issuance of a certificate to practice medicine and surgery in the State of California at the date of the issuance of such certificate, or which may hereafter be required by law and which may be in force at the time of the issuance of any such certificate; *and provided, further*, that said applicant shall also furnish from the board which issued said certificate, evidence satisfactory to the board of medical examiners of the State of California, showing what the requirements were of the college, or board, issuing such certificate, at the date of such issuance. If, after an examination of such certificate, and the production on the part of the applicant of such further reasonable evidence of the said requirements as may be deemed necessary by the board of medical examiners of the State of California, and any other or further examination or investigation which said board may see fit to make, or its own part, it shall be

Issued
prior to
August,
1901.

found that the requirements of the board issuing such certificate were, when said certificate was issued, in any degree or particular less than the requirements provided by the laws of the State of California, at the date of the issuance of such certificate, he will not be entitled to practice within the State of California without an examination. Any person may file an application with the said board to practice medicine and surgery within the State of California, in the event that such applicant has been duly licensed prior to August 1, 1901, and has practiced medicine and surgery in another state or territory, or the District of Columbia, for a period of time commencing prior to the first day of August, 1901. Such application shall be verified and shall contain a statement showing: (a) the full name of the applicant; (b) all institutions at which he has studied and the period of such study, and all institutions from which he has graduated; (c) a statement of whatever certificate or certificates to practice medicine and surgery may have been issued to him, together with the date of such certificate and a description of the same, and, if required by the board, the certificates themselves, or satisfactory proof of their issuance; (d) a statement of all places in which said applicant has practiced medicine and surgery; (e) such other general information as to his past practice, as may be required by the said board. The said board shall make such independent investigation of the character, ability and standing of the applicant as it may deem proper and necessary, and if it shall find after such investigation that said applicant has been a practicing physician and surgeon in any other state or territory or the District of Columbia, prior to August 1, 1901, and prior to said last named date has been duly licensed so to practice, and that his reputation as such physician and surgeon is good in the community in which he has so practiced medicine and surgery, they shall afford him an examination on a day suiting the convenience of the board not more than six (6) months subsequent to the presentation of said application. Said examination shall be oral, practical, and clinical in nature, and full consideration shall be given to the duration and character of the applicant's practice. If after such last mentioned examination it is determined by a majority vote of the said medical examiners conducting said examination, that such applicant is so qualified to practice medicine and surgery within the State of California, and that his reputation and standing in the community in which he has previously practiced is good, the said applicant shall be entitled to receive a "physician and surgeon certificate." Each applicant on making such application shall pay to the secretary of the board, a fee of fifty dollars (\$50.00), which shall be paid to the treasurer of the board, of which sum forty dollars (\$40.00) shall be returned to him should he not receive a certificate hereunder. All certificates issued pursuant to this section shall be marked across the face thereof "reciprocity certificate."

License to persons who have practiced in other states prior to August, 1901.

Examination.

Fee.

X

Refusal of certificate for unprofessional conduct.

SEC. 14. Said board must refuse a certificate to any applicant guilty of unprofessional conduct. On the filing with the secretary of a sworn complaint, charging the applicant with having been guilty of unprofessional conduct, the secretary must forthwith issue a citation, under the seal of the board, and make the same returnable at the next regular session of said board, occurring at least thirty days next after filing the complaint. Such citation shall notify the applicant when and where the charges of said unprofessional conduct will be heard, and that the applicant shall file his written answer, under oath, within twenty days next after the service on him of said citation, or that default will be taken against him and his application for a certificate refused. The attendance of witnesses at such hearing may be compelled by subpoenas issued by the secretary of the board under its seal. Said citation and said subpoenas shall be served in accordance with the statutes of this state then in force as to the service of citations and subpoenas generally, and all the provisions of the statutes of this state then in force relating to subpoenas and to citations are hereby made applicable to the subpoenas and citations provided for herein. Upon the secretary's certifying to the fact of refusal of any person to obey a subpoena or citation to the superior court of the county in which the service was had, said court shall thereupon proceed to hear said matter in accordance with the statutes of this state then in force as to contempts for disobedience of process of the court, and should said court find that the subpoena or citation has been legally served, and that the party so served has wilfully disobeyed the same, it shall proceed to impose such penalty as provided in cases of contempt of court. In all cases of alleged unprofessional conduct arising under this act, depositions of witnesses may be taken, the same as in civil cases, and all the provisions of the statutes of this state then in force as to the taking of depositions are hereby made applicable to the taking of depositions under this act. If the applicant shall fail to file with the secretary of said board his answer, under oath, within twenty days after service on him of said citation, or within such further time as the board may allow, and the charges on their face shall be deemed sufficient by the board, default shall be entered against him, and his application refused. If the charges on their face be deemed sufficient by the board, and issue be joined thereon by answer, the board shall proceed to determine the matter, and to that end shall hear such proper evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him. No certificate shall be refused on the ground of unprofessional conduct unless the applicant has been guilty of such conduct within two years next preceding his application. Whenever any holder of a certificate herein provided for is guilty of unprofessional conduct, as the same is defined in this act, and the said unprofessional conduct has been brought to the attention of the board granting said certificate, in the man-

Refusal to obey subpoena.

Charges deemed sufficient.

Revocation of certificate for unprofessional conduct.

ner hereinafter provided, or whenever a certificate has been procured by fraud or misrepresentation, or issued by mistake, or the person holding such certificate is found to be practicing contrary to the provisions thereof and of this act, it shall be the duty of said board either to suspend the right of the holder of said certificate to practice for a period not exceeding one year, or in its discretion to revoke his certificate. In the event of such suspension, the holder of such certificate shall not be entitled to practice thereunder during the term of suspension; but, upon the expiration of the term of said suspension, he shall be reinstated by the board and shall be entitled to resume his practice, unless it shall be established to the satisfaction of the board that said person so suspended from practice, has, during the term of such suspension, practiced in the State of California, in which event the board shall revoke the certificate of such person. No such suspension or revocation shall be made unless such holder is cited to appear and the same proceedings are had as is hereinbefore provided in this section in case of refusal to issue certificates. Said secretary in all cases of suspension or revocation shall enter on his register the fact of such suspension or revocation, as the case may be, and shall certify the fact of such suspension or revocation under the seal of the board, to the county clerk of the counties in which the certificates of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person, the following: "The holder of this certificate was on the — day of — suspended for —," or, "This certificate was revoked on the — day of —," as the case may be, giving the day, month, and year of such revocation, or length of suspension, as the case may be, in accordance with said certification to him by said secretary. The record of such suspension or revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all the proceedings of said board in the matter of said suspension or revocation. The words "unprofessional conduct," as used in this act, are hereby declared to mean:

Facts entered on register. X

First—The procuring or aiding or abetting in procuring of a criminal abortion.

Second—The wilfully betraying of a professional secret.

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

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

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

Sixth—Habitual intemperance.

Unprofessional conduct defined.

Seventh—The personation of another licensed practitioner.

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

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

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

Eleventh—The use by the holder of a "drugless practitioner certificate" of the letters "M.D.," or the words "doctor of medicine," or the term "physician and surgeon," or the term "physician," or the term "surgeon," in connection with his name or in connection with his practice, or otherwise, upon any sign, card, advertisement, or announcement, or otherwise.

Certificates
to be
recorded.

SEC. 15. Every person holding a certificate under the laws of this state authorizing him to practice any system or mode of treating the sick or afflicted in this state must have it recorded in the office of the county clerk of the county or counties in which the holder of said certificate is practicing his profession, and the fact of such recordation shall be endorsed on the certificate by the county clerk recording the same. Any person holding a certificate as aforesaid, who shall practice or attempt to practice any other system or mode of treating the sick or afflicted in this state, without having first filed his certificate with the county clerk, as herein provided, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or by imprisonment for a period of not less than thirty days nor more than sixty days, or by both such fine and imprisonment.

County
clerk's
record of
certifi-
cates.

SEC. 16. The county clerk shall keep [in] a book provided for the purpose a complete list of the certificates recorded by him, with the date of the record; and said book shall be open to public inspection during his office hours.

Penalties.

SEC. 17. Any person who shall practice or attempt to practice, or who advertises or holds himself out as practicing, any

system or mode of treating the sick or afflicted in this state, or who shall diagnose, treat, operate for, or prescribe for, any disease, injury, deformity, or other mental or physical condition of any person, without having at the time of so doing a valid unrevoked certificate as provided in this act, or who shall in any sign or in any advertisement use the word "doctor," the letters or prefix "Dr.," the letters "M.D.," or any other term or letters indicating or implying that he is a doctor under the terms of this or any other act, or that he is entitled to practice hereunder, or under any other law, without having at the time of so doing a valid unrevoked certificate as provided in this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than six hundred dollars (\$600.00), or by imprisonment for a term of not less than sixty (60) days nor more than one hundred and eighty (180) days, or by both such fine and imprisonment. Upon each such conviction the fine shall be paid, when collected, to the state treasurer, and a report thereof shall be made to the state controller.

SEC. 18. Any person, or any member of any firm, or official of any company, association, organization or corporation shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by imprisonment in the county jail for not less than ten (10) days nor more than one (1) year, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment, who, individually or in his official capacity, shall himself sell or barter, or offer to sell or barter, any certificate authorized to be granted hereunder, or any diploma, affidavit, transcript, certificate or any other evidence required in this act for use in connection with the granting of certificates or diplomas, or who shall purchase or procure the same either directly or indirectly with intent that the same shall be fraudulently used, or who shall with fraudulent intent alter any diploma, certificate, transcript, affidavit, or any other evidence to be used in obtaining a diploma or certificate required hereunder, or who shall use or attempt to use fraudulently any certificate, transcript, affidavit, or diploma, whether the same be genuine or false, or who shall practice or attempt to practice any system of treatment of the sick or afflicted, under a false or assumed name, or any name other than that prescribed by the board of medical examiners of the State of California on its certificate issued to such person authorizing him to administer such treatment, or who shall assume any degree or title not conferred upon him in the manner and by the authority recognized in this act, with intent to represent falsely that he has received such degree or title, or who shall wilfully make any false statement on any application for examination, license or registration under this act, or who shall engage in the treatment of the sick, or afflicted without causing to be displayed in a conspicuous manner and in a conspicuous place in his office the name of each

Penalty.
for selling
certificate,
etc.

Assuming
degree.

X
 and every person who is associated with or employed by him in the practice of medicine and surgery or other treatment of the sick or afflicted, or who shall, within ten days after demand made by the secretary of the board, fail to furnish to said board the name and address of all such persons associated with or employed by him or by any company or association with which he is or has been connected at any time within sixty (60) days prior to said notice, together with a sworn statement showing under and by what license or authority said person or persons, or said employee or employees, is or are, or has or have been, practicing medicine or surgery, or any other system of treatment of the sick or afflicted (provided that such affidavit shall not be used as evidence against said person or employee in any proceeding under this section).

Filing
false cer-
tificate,
felony.

SEC. 19. Every person filing for record, or attempting to file for record, the certificate issued to another, falsely claiming himself to be the person named in or entitled to, such certificate, shall be guilty of a felony, and, upon conviction thereof, shall be subject to such penalties as are provided by the laws of this state for the crime of forgery.

Imperson-
ating mem-
ber of
board.

SEC. 20. Any person not a member of the state board of medical examiners who shall sign, or issue, or cause to be signed or issued, any certificate authorized by this act, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than six hundred (\$600.00), or by imprisonment for a term not less than sixty (60) nor more than one hundred and eighty (180) days, or by both such fine and imprisonment.

Certificates
heretofore
issued not
revoked.

SEC. 21. Nothing in this act shall be construed to prohibit the practice by any person holding an unrevoked certificate heretofore issued under or validated by any medical practice act of this state, but all such certificates may be revoked for unprofessional conduct in the same manner and upon the same grounds as if they had been issued under this act.

Emergency
service not
prohibited.

SEC. 22. Nothing in this act shall be construed to prohibit service in the case of emergency, or the domestic administration of family remedies; nor shall this act apply to any commissioned medical officer in the United States army, navy or marine hospital, or public health service, in the discharge of his official duties; nor to any licensed dentist when engaged exclusively in the practice of dentistry. Nor shall this act apply to any practitioner from another state or territory, when in actual consultation with a licensed practitioner of this state, if such practitioner is, at the time of such consultation, a licensed practitioner in the state or territory in which he resides; *provided*, that such practitioner shall not open an office or appoint a place to meet patients or receive calls within the limits of this state. Nor shall this act be construed so as to discriminate against any particular school of medicine or surgery, or any other treatment, nor to regulate, prohibit or to apply to, any kind of treatment by prayer, nor to interfere in any way with the practice of religion.

SEC. 23. An act entitled "An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain act approved March 19, 1909, as amended by a certain act approved May 1, 1911, is hereby repealed, and also all other acts and parts of acts in conflict with this act are hereby repealed. Repealed.

CHAPTER 355.

An act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered three hundred ninety-seven c, relating to the sale or disposal of intoxicating liquors between certain hours.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby added to the Penal Code of the State of California a new section to be numbered three hundred ninety-seven c, and to read as follows:

397c. Every person engaged in the business of the sale or disposition of intoxicating liquors, who sells, gives or delivers, to any person any intoxicating liquor between the hours of two o'clock a.m. and six o'clock a.m. of the same day, is guilty of a misdemeanor. Sale of
liquors
between 2
and 6 a. m.
prohibited.

CHAPTER 356.

An act to amend an act entitled, "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof and repealing an act entitled, 'An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof,' approved April 16, 1909, Statutes of California of 1909, page 948," and approved April 10, 1911, Statutes of California of 1911, page 860.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof and repealing an act entitled "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to pro-

vide penalties for the violation thereof, approved April 16, 1909, Statutes of California of 1909, page 948," and approved April 10, 1911, Statutes of California of 1911, page 860, is hereby amended to read as follows:

Title of
act.

Enforce-
ment.

Section 1. This act shall be known as the tenement house act, and its provisions shall apply to all incorporated towns, incorporated cities, cities and counties in the State of California. It shall be the duty of the department of health of incorporated towns, incorporated cities and cities and counties to enforce all the provisions of this act; *provided, however*, that incorporated towns, incorporated cities, cities and counties in the State of California shall have and are hereby given authority to designate and charge by ordinance, any other department than the department of health with the enforcement of this act or any portion thereof; *provided*, that the department of health of incorporated towns, incorporated cities and cities and counties shall always have supervision over and shall enforce the provisions of this act relating to sanitation, ventilation and health in all tenement buildings not in course of actual construction or alteration, and shall issue the permit hereinafter mentioned, entitled "Permit of occupancy upon completion of construction." In the event that an incorporated town, incorporated city or city and county shall by municipal ordinance designate another and different department than the department of health to enforce the provisions of this act or any of them which by the provisions of this act may by such ordinance be transferred to the control of another department than the department of health all powers not so transferred shall be and remain in the department of health.

Definitions:

SEC. 2. For the purpose of this act certain words and phrases are defined as follows:

"tenement
house";

A tenement house is any house or building, or portion thereof, of more than one story, which is designed, built, rented, leased, let or hired out, to be occupied or is occupied as the home or residence of four families or more living independently of each other, and doing their cooking upon the premises, or by three families so living and cooking, and having a common right in the halls, stairways, yards, water-closets, or some or any of them.

Provided, that a building of not more than two stories in height, which is designed, built, rented, leased, let or hired out, to be occupied or is occupied as the home or residence of not more than four families living independently of each other, and so constructed that each section is arranged to be occupied as the home or residence of a separate family and each section having an entirely independent and separate entrance and stairway from the street or from an outside vestibule on the level of the first floor of said building and with no room, hall, bathroom, water-closet, kitchen or other convenience used in common by two or more families occupying said building, shall not come within the definition of a tenement house contained in this act.

An "apartment" in a tenement house is a room or a suite of rooms which is occupied, or is intended or designed to be occupied as a family domicile. "apartment";

A "yard" is an open, unoccupied space on the same lot with a tenement house, situated in the rear of said tenement house; *provided*, that in case of a corner lot the yard may be placed in the rear of either frontage. "yard";

A "court" is an open, unoccupied space, other than a yard, on the same lot with a tenement house. A court not extending to the street or yard is an inner court. A court extending to the street or yard and bounded on three sides by a tenement house on the same lot is an outer court. If it extends to the street it is a street court. If it extends to the yard it is a yard court. If it extends from the street to the yard it is a street-to-yard court. A court bounded on one side and both ends by a tenement house and on the remaining side by a lot line is a "lot-line" court. "court";

A "court" bounded on one side and one end by a tenement house and on the remaining side by lot line and the remaining end open to the street or yard is a lot-line outer court. "court";

A "shaft" includes exterior and interior shafts, whether for air, light, elevator, dumbwaiter, or any other purpose. A vent shaft is one used solely to ventilate or light a water-closet compartment or bathroom. "shaft";

A "public hall" is a hall, corridor or passageway not within an apartment. "public hall";

A "private hall" is a hall, passageway, corridor or vestibule within an apartment. "private hall";

A "stair hall" includes the stairs, stair landings and those portions of the public halls through which it is necessary to pass in going between the entrance hall and the roof. "stair hall";

A "basement" is a story partly below the level of the curb, the ceiling of which is not less than seven feet above the curb level. "basement";

A "cellar" is any story partly or wholly below the level of the curb, the ceiling of which is less than seven feet above the curb level. "cellar";

A fireproof tenement house is one the walls of which are constructed of brick, stone, iron or other incombustible material, and in which there are no wooden beams or lintels, and in which the floors, roofs, stair halls and public halls are built entirely of brick, stone, iron, or other hard incombustible material, and in which no woodwork or other inflammable material is used in any of the partitions, furrings or ceilings. But this definition shall not be construed as prohibiting elsewhere than in the stair halls or entrance halls, the use of wooden flooring on top of the fireproof floors or the use of wooden sleepers, nor as prohibiting wooden handrails, and hardwood treads. "fireproof tenement";

A "wooden tenement" is a tenement of which the exterior walls or a portion thereof are of wood. Wooden buildings covered with metal, plaster, terra cotta, or veneered with masonry are wooden structures. "wooden tenement.";

Length
and
width.

For the purpose of this act the greatest horizontal linear dimension of any building shall be its length, and the next greatest horizontal linear dimension its width.

Height.

The height of buildings shall be measured from the curb level at the center of the main front of the building to the top of the highest point of the roof beams in case of flat roofs, and for high-pitched roofs the average height of the gable shall be taken as the highest point of the building.

For a building erected upon a street corner, the measurements shall be taken from the curb level opposite the center of either front.

When the ground upon which the walls of a structure are built is above the street level, the average level for the ground adjoining the walls may be taken instead of the curb level for the height of such structure.

Buildings
altered
subject to
act.

SEC. 3. A building not erected for use as a tenement house, if hereafter altered or converted to such use, shall thereupon become subject to all of the provisions of this act affecting tenement houses hereafter erected.

Unlawful
structures.

SEC. 4. No tenement house shall at any time be altered so as to be in violation of any provision of this act. If any tenement house or any part thereof be erected, altered or occupied contrary to law, such tenement house shall be deemed an unlawful structure, and the department of health, or the department charged with the enforcement of this act, may cause such building to be vacated, and such building shall not again be occupied until it or its occupation, as the case may be, has been made to conform with the law.

Area of lot
covered.

SEC. 5. No tenement house hereafter erected shall occupy more than ninety per cent of a corner lot or more than seventy-five per cent of any other lot, except as otherwise provided in this act; *provided*, that the space occupied by open iron fire escapes erected and constructed according to law shall not be deemed a part of the lot occupied, but that the space occupied by fireproof stairs, and by vent shafts thirty-two square feet or less in area, shall be considered as part of the lot occupied. For the purposes of this section the measurements may be taken at the level of the second tier of beams (the second floor level), except where rooms on the ground floor are to be used for sleeping apartments.

Corner
lots.

SEC. 6. By corner lot is meant a lot situated at the junction of two streets, or of a street and public alley or other public thoroughfare or public park, not less than sixteen feet in width. Any portion of the width of such lot distant more than fifty feet from such junction shall not be regarded as part of a corner lot, but shall be subject to the provisions of this act respecting other than corner lots. Where, in any corner lot, the two frontages are of unequal length, either street frontage may be taken as the width of the lot. Street frontage alone and not alley frontage shall be considered in determining such lesser frontage.

SEC. 7. The height of no tenement house hereafter erected shall by more than one half exceed the width of the widest street upon which it stands. Limit of height.

SEC. 8. Behind every tenement house hereafter erected, there shall be a yard extending across the entire width of the lot and at every point open from the ground to the sky, unobstructed, except that open iron fire escapes may project not over four feet from the rear line of the house. The depth of said yard, measured from the extreme rear wall of the house toward the rear line of the lot, shall be as provided in the following sections. Yard behind each house.

SEC. 9. Except upon a corner lot, as provided in section ten, or upon a lot running through from street to street or street to public alley, or public park as provided in section eleven, the depth of the yard behind every tenement house hereafter erected sixty feet in height shall not be less than twelve feet in every part. Said yard shall be increased in depth two feet for every additional twelve feet in height of the building or fraction thereof, and may be decreased in depth one foot for every twelve feet in height of the building less than sixty feet; but it shall never be less than ten feet in depth in every part. Depth of yard: lot not on corner.

In the event that two tenement houses or a tenement house and another structure of more than one story in height are constructed or erected upon the same lot, then and in that event the full yard space as set forth in this section shall be provided for each of such buildings. In no case shall two buildings of more than one story in height abut upon the yard of a width as herein provided for a single tenement house.

To determine the depth of yard as described in this section, the measurement shall be taken of the rear wall of such tenement house abutting on said yard and from the top of such wall to the level of the floor of the yard at such rear wall.

SEC. 10. The depth of the yard behind every tenement house hereafter erected upon a corner lot shall be not less than ten feet in every part and at every point open and unobstructed from the level of the second tier of beams (the second floor level); *provided*, that where any such lot is less than one hundred feet in depth the depth of the yard be not less than ten per centum of the greatest depth of such lot, but shall never be less than five feet in every part, nor less than the minimum width of an outer court on the lot line as prescribed by this act. If rooms on the ground floor are used as sleeping apartments the yard shall be taken from the ground up. When a corner lot is more than fifty feet in width, the yard for that portion in excess of fifty feet shall conform to the provisions of section nine of this act. Depth of yard: lot on corner.

SEC. 11. Whenever a tenement house is hereafter erected upon a lot which runs through from one street to another street or public alley or public park and said lot is not more than one hundred and fifty feet in depth one half of the width of the street or alley upon which the yard abuts may be included in the depth of the yard required by sections nine and

ten, but said one half not to exceed in width the depth of the yard for such lot provided in sections nine and ten; *provided*, that on such lot no tenement house hereafter erected shall occupy more than ninety per centum of a corner lot, or more than seventy-five per centum of any other lot.

One half
of alley
included.

One half the width of the rear street or public alley or public park, immediately behind said lot, may be included in the portion of lot that is left uncovered in computing the percentage; *provided*, that whenever said one half the width of said rear street, or public alley or public park equals or exceeds the depth of yard required in section ten, if the lot be a corner lot, or in section nine, if the lot be not a corner lot, only such portion of such street, or public alley or public park may be included in computing the percentage to be left uncovered as will equal the depth of yard required for said lot.

When one half the width of such rear street, or public alley or public park is less than the depth of the yard required for such lot by the provisions of sections nine and ten it may be included in computing the percentage of the lot to remain uncovered.

Lot sur-
rounded
by streets.

If a lot is surrounded upon its four sides by streets or streets and public alleys twenty feet or more wide or public parks over twenty-four feet wide, the provisions relating to yards in sections eight, nine, ten and eleven need not be complied with; *provided*, that the tenement house to be constructed on such lot does not occupy more than seventy-five per centum of the lot and contains an outer court at least eighty feet deep and of a width twice as great as the depth prescribed for yards in section nine and open to one of the surrounding streets, public alleys, or public parks: *provided*, that said outer court shall not be required to be of a depth which shall leave less than fifty feet between the rear line of said court and the line of said lot immediately behind said court.

Courts
not to be
covered.

SEC. 12. No court or vent shaft of a tenement house hereafter erected shall be covered by a roof or skylight, but every such vent shaft or court shall be at every point open from at least two feet above the floor of the lowest apartment abutting upon such vent shaft or court to the sky, unobstructed, except that open iron fire escapes, as required by law, or by ordinances or regulations of incorporated towns, incorporated cities or cities and counties, may project into the court, but not more than four feet from the wall of the house. All courts in tenement houses hereafter erected shall conform to the requirements of the following sections.

Except that recesses may be built on the street or yard or a court, provided the depth of same is no greater than the width and that their area be not counted in computing the area of the court.

Outer
courts.

SEC. 13. The outer courts of all tenement houses hereafter erected shall have not less than the following minimum widths nor more than the following maximum lengths:

Building.	Least width.	Maximum length.
2 stories.....	4 feet.....	16 feet.
3 stories.....	4 feet 6 inches	25 feet.
4 stories.....	5 feet 6 inches	30 feet.
5 stories.....	6 feet.....	35 feet.
6 stories.....	8 feet.....	35 feet.
7 stories.....	10 feet.....	40 feet.
8 stories or more.....	12 feet.....	40 feet.

The length of outer courts shall not be more than the maximum lengths given in the above table unless six inches be added to the minimum widths for each additional five feet or fraction thereof in length. The lot-line outer courts and street-to-yard courts shall have the same minimum width as outer courts but are not governed by the provision in this section regarding maximum lengths.

SEC. 14. The inner courts of all tenement houses hereafter erected shall have areas and minimum widths in all parts, not less than the widths and areas as follows:

Building.	Area in square feet.	Least width.
2 stories.....	75.....	6 feet.
3 stories.....	120.....	7 feet.
4 stories.....	160.....	8 feet.
5 stories.....	250.....	12 feet.
6 stories.....	400.....	16 feet.
7 stories.....	625.....	20 feet.
8 stories or more.....	840.....	24 feet.

Provided, that when only the windows of kitchens containing not more than seventy-five square feet of floor area or of bathrooms or toilets open or are designed to open upon an inner court and said court is entirely open and free from obstruction from the bottom thereof to the sky, said court shall have areas and minimum widths in all parts not less than the areas and widths specified in the following table:

Building.	Area in square feet.	Least width.
2 stories.....	75.....	6 feet 0 inches.
3 stories.....	84.....	7 feet 0 inches.
4 stories.....	112.....	8 feet 0 inches.
5 stories.....	144.....	12 feet 0 inches.
6 stories.....	240.....	16 feet 0 inches.
7 stories.....	360.....	20 feet 0 inches.
8 stories or more.....	400.....	20 feet 0 inches.

SEC. 15. Lot line courts in tenement houses hereafter erected shall have areas and minimum widths in all parts not less than those specified in the following table:

Building.	Area in square feet.	Least width.
2 stories.....	50.....	4 feet 0 inches.
3 stories.....	72.....	6 feet 0 inches.
4 stories.....	105.....	7 feet 0 inches.
5 stories.....	180.....	9 feet 0 inches.
6 stories.....	300.....	12 feet 0 inches.
7 stories.....	490.....	14 feet 0 inches.
8 stories or more.....	595.....	17 feet 0 inches.

Lot line courts on which only kitchen windows open.

Provided, that when only the windows of kitchens containing not more than seventy-five square feet of floor area or of bathrooms or toilets open or are designed to open upon a lot-line court and said court is entirely open and free from obstruction from the bottom thereof to the sky, said court shall have areas and minimum widths in all parts not less than the areas and widths specified in the following table:

Building.	Area in square feet.	Least width.
2 stories-----	50-----	4 feet 0 inches.
3 stories-----	50-----	4 feet 0 inches.
4 stories-----	60-----	6 feet 0 inches.
5 stories-----	108-----	9 feet 0 inches.
6 stories-----	144-----	12 feet 0 inches.
7 stories-----	168-----	14 feet 0 inches.
8 stories or more-----	225-----	15 feet 0 inches.

Air intakes in inner courts.

SEC. 16. Every inner court, including lot line courts, shall be provided with one or more horizontal air intakes at the bottom. Such intakes shall always communicate directly with the street or yard, and shall consist of an unobstructed passageway, not less than three feet wide and six feet six inches high, which shall be left open, or if not open, there shall always be provided in said passageway open grilles or transoms one at each end of a size not less than ten square feet each, and such open grilles or transoms shall never be covered with glass or in any other way. In case the court does not go down below the second floor level, the intake shall consist of unobstructed open ducts having an open interior area of not less than sixteen square feet at any point, and covered at each end with a wire screen of not less than one-inch mesh. Such duct shall be so arranged as to be easily cleaned out. These ducts or intakes must in any case be either of fireproof construction or lined with No. 26 galvanized iron on inside.

Reducing yard of tenements prohibited.

SEC. 17. No existing tenement house shall (unless the rear of the lot upon which it stands abuts upon a public alley at least ten feet wide) hereafter be enlarged or its lot be diminished so that there will not be a yard immediately behind said tenement house building of the size required by this act for tenement house buildings hereafter constructed. Where a tenement house, now or hereafter erected, stands upon a lot, other than a corner lot, no other building shall hereafter be placed upon the front or rear of that lot, unless the minimum distance between such buildings shall be at least ten feet, if neither building exceeds the height of one story; or twelve feet if either building exceeds the height of one story, but not the height of two stories, and so on, two additional feet to be added to such minimum distance of ten feet for every story more than one in the height of the highest building on such lot. Every rear tenement hereafter erected, or every tenement that hereafter becomes a rear tenement by the erection of a building or buildings on the front of the same lot, shall

Rear tenements to have access to street.

have direct access to a street, or to a public alley at least sixteen feet wide, by a passageway not less than five feet wide by seven feet high.

SEC. 18. In every tenement house hereafter erected every room, except water-closet compartments and bathrooms shall have a window or windows of the area required by section 19 of this act, opening directly upon the street or upon a yard or a court of the dimensions specified in sections eight to sixteen of this act, and such windows shall be located so as to properly light all portions of such rooms. Windows.

SEC. 19. In every tenement house hereafter erected, the total window area of each room within each apartment, except water-closet compartments and bathrooms, shall be at least one eighth of the superficial area of the room, except in the cellar or basement, where it shall be one sixth, and the upper half of all windows shall be made so as to open the full width. The total window area of any such room shall never be less than twelve square feet, measured to outside of sash. Total window area.

SEC. 20. In every tenement house hereafter erected, all rooms, except water-closet compartments and bathrooms, shall be of the following dimensions: In each apartment there shall be at least one room containing not less than one hundred and twenty square feet of floor area, and each other room shall contain at least ninety square feet of floor area. Each room shall be in every part not less than nine feet from the finished floor to the finished ceiling; *provided*, that an attic room need be but nine feet high in but half its area. Except that small closets, and water-closet compartments, and bathrooms may be not less than seven feet six inches in height and except that kitchens or pantries may be less than ninety square feet of area; *provided*, that same are not occupied or intended or designed to be occupied as bedrooms. Dimensions of rooms.

SEC. 21. In every tenement house hereafter erected an alcove in any room shall be separately lighted and ventilated and must conform to all the requirements of other rooms, and shall not be less than ninety square feet in area. No part of any room in a tenement house hereafter erected shall be enclosed or subdivided at any time, wholly or in part, by a curtain or portiere, fixed or movable partition, or other contrivance or device, unless such part of the room so enclosed or subdivided shall contain a separate window as herein required, and shall have a floor area of not less than ninety square feet; *provided, however*, that closets or alcoves of not more than twenty-five square feet floor area do not come within the provisions of this section; *provided, further*, that it shall be unlawful to do any cooking or prepare any food in closets or alcoves unless they conform to all the provisions of sections eighteen and nineteen of this act relative to windows. Alcoves.

SEC. 22. In every tenement house which is hereafter erected, which is occupied or arranged to be occupied by more than two families on any floor, or which exceeds four stories and cellar in height, every public hall or stair hall shall have Windows in public halls.

Skylights
over pub-
lic halls.

at least one window at each floor opening directly upon the street or upon a yard or court, except as otherwise provided in this section. Any part of a hall divided off from any other part of said hall by a door or doors shall be deemed a separate hall within the meaning of this section; and if no window from such hall opens directly upon a street or upon a yard or court, there shall be a skylight over each such public hall with louvres and at least twenty square feet of glass area over buildings two stories in height. The area of glass in such skylight shall be increased at a ratio of six square feet for each additional story in height of the building, and a stair well be provided. The clear open area of such stair well at each floor to be equal to one third of the area of the glass in such skylight, and all doors leading from such public halls shall be provided with translucent glass panel of an area of not less than five square feet for each door and also with fixed transoms of translucent glass over each door: *provided*, that in a stair hall that does not have a window opening directly upon a street or upon a yard or court in lieu of such window a skylight with louvres and at least twenty square feet of glass area shall be constructed in the roof over such stairway.

Area of
hall
windows.

SEC. 23. In every tenement house hereafter erected, one at least of the windows provided to light each public hall or part thereof shall have an area of at least twelve square feet measured to outside of sash.

Area of
stair hall
windows.

SEC. 24. In every tenement house hereafter erected, the windows required by law on each floor to light or ventilate stair halls, shall be at least fifteen square feet of area measured to outside of sash. Sash doors in entrance halls and public halls shall be deemed the equivalent of a window for lighting purposes; *provided*, that such doors contain the amount of glazed surface prescribed for windows.

Area of
vent
shafts.

SEC. 25. Every vent shaft hereafter constructed in a tenement house shall be at least sixteen square feet in area, and the least dimension of such vent shaft shall be at least four feet; and, if such vent shaft is above fifty feet in height measured from the bottom to the top of said shaft, such vent shaft shall throughout its entire height be increased in area three square feet for each addition of twelve feet or fraction thereof above fifty feet.

Vent
shafts
of fire-
proof
material.

Every such vent shaft shall be constructed of fireproof materials or shall be covered on the outside (weatherside) with metal and on the inside (room side) with metal lath and plaster, excepting that portion of such vent shaft extending from the ceiling of the topmost story of the building may be covered with metal on both sides in lieu of metal lath and plaster.

Air intakes
in vent
shafts.

Every such vent shaft shall be provided with an air intake or duct at the bottom, communicating with the street or yard, or a court; such air intake shall be three square feet in total area; such air intake may be divided into not more than three separate ducts running between the joists or otherwise, and shall in all cases be placed as nearly horizontal as possible.

Such ducts shall be constructed of fireproof material and shall enter the shaft at or near the bottom thereof, and shall be provided with a wire screen of not more than one-inch mesh at each end. Plumbing, gas, steam or other similar pipes may be placed in a vent shaft.

Plumbing
in vent
shafts.

SEC. 26. In every apartment of four or more rooms in a tenement house hereafter erected, access to every living room and bed room and to at least one water-closet compartment shall be had without passing through any bedroom.

Water-
closets.

SEC. 27. In no tenement house hereafter erected, shall any room in the cellar be constructed, altered, converted or occupied for living purposes; and no room in the basement of a tenement house shall be constructed, altered, converted, or occupied for living purposes, unless all of the following conditions of this act be complied with, and at least two thirds of the basement shall be above grade for building; *provided*, in each case of each such room the ceiling shall be at least seven feet above the adjoining street grades and actual ground levels.

No living
rooms in
cellars.

(1) Such rooms shall be at least nine feet in every part from the floor to the ceiling.

Living
rooms in
basements.

(2) There shall be appurtenant to such room or apartment a water-closet conforming to the regulations and ordinances relating to water-closets, of the incorporated town, incorporated city or city and county in which the tenement house is or is to be built.

SEC. 28. If the basement of any tenement house hereafter erected is used or designed to be used for living purposes it shall have all walls below the ground level and all cellar or lower floors dampproofed and waterproofed. When necessary to make such floors and walls dampproof and waterproof, the dampproofing and waterproofing shall run through the walls as high as the ground level and continue throughout the floor. All cellars and basements in such tenement houses shall be properly lighted and ventilated to the satisfaction of the department charged with the enforcement of this act.

Damp-
proofed
walls.

SEC. 29. In every tenement house hereafter erected the bottom of all shafts, courts, areas, and yards which extend to the basement for light or ventilation of living rooms, shall not be more than two feet above the floor of the lowest apartment abutting on such court, shaft, area or yard. In every tenement house all shafts, courts, areas and yards shall be properly graded and drained and connected with the street or sewer so that all water may pass freely through into it, and when required by the department charged with the enforcement of this act, shall be properly concreted.

Drainage
of courts,
shafts, etc.

SEC. 30. In every tenement house hereafter erected, there shall be in each apartment a proper sink with running water.

Sinks.

SEC. 31. In every tenement house hereafter erected there shall be a separate water-closet in a separate compartment within each apartment, and one shower bath or bathtub in a separate compartment, shall be provided on each floor for

Water-
closets,
bathtubs,
etc.

every ten rooms or fraction thereof and arranged so that one bathtub or shower is accessible to each apartment; *provided*, that where there are apartments consisting of but one or two rooms there may be one water-closet compartment for every two such apartments accessible from each such apartment through the public hall, and not more than twenty feet distant from an entrance of each such apartment.

Each compartment shall not be less than two feet four inches wide and shall be enclosed with plastered partitions which shall extend to the ceiling.

Water-closet windows.

Every such water-closet compartment shall have a window or windows of at least six square feet total area opening directly upon a vent shaft, court, street or yard.

However, a bathtub or shower may be placed in a separate water-closet compartment where neither bathtub or shower, or water-closet are to be used by more than one apartment.

Lighting.

Every water-closet compartment shall be provided with proper means for lighting same by night.

Floor waterproof.

The floor of every such water-closet compartment shall be made waterproof with asphalt, tile, cement or some other non-absorbent waterproof material, which shall be satisfactory to the department charged with the enforcement of this act.

Number of rooms in wooden tenement.

SEC. 32. No wooden tenement house shall hereafter be erected which shall contain more than one hundred and fifty rooms exclusive of bathrooms.

Height of wooden tenement.

SEC. 33. No wooden tenement house exceeding three stories in height, exclusive of cellar, shall hereafter be erected. However, the building may step up or down to follow the grade; *provided*, no part of the said building is over three stories in height; *provided, however*, that a wooden tenement containing a basement or a full first story the floor of which is not below the level of the curb may, where such basement or story is not used or designed to be used for living purposes, be constructed with not more than three stories of living apartments above such basement or such first story; *and provided, further*, that when three stories of living apartments are constructed or designed to be constructed or occupied above such first story or basement of a wooden tenement such first story or basement shall not be of such height as to have more than fourteen feet or less than nine feet between the finished floor and finished ceiling.

No stores.

Where such wooden tenement contains three stories designed for living purposes no stores shall be placed therein.

Amusement rooms in basement.

Whenever in a wooden tenement three stories of apartments designed for living purposes are constructed above such last mentioned basement or story, such basement or story may contain reception or amusement rooms, not to exceed five in number, which shall be for the use of the tenants of the building and are not to be used for commercial purposes, and shall not contain apartments used or designed to be used for living purposes.

Every tenement house may contain not to exceed five such

reception or amusement rooms for the use of the tenants of the building and not to be used for commercial purposes. Every reception or amusement room shall have a minimum floor area of not less than one hundred and fifty square feet and a minimum width of not less than ten feet and shall have a window or windows therein, opening upon a street or public alley, or other public thoroughfare or public park, or court or yard, as follows:

Area of amusement rooms.

When such room contains not more than one hundred and eighty square feet of floor area the window area, if said room is not a basement room, shall be not less than one eighth the superficial area of said room, and if located in a basement shall be not less than one sixth the superficial area of such room, and the upper half of the windows shall be made so as to open the full width.

Window area.

No reception or amusement room containing more than one hundred and eighty square feet of floor area shall have a lesser window area than that provided for such rooms containing one hundred and eighty square feet of floor area.

No such reception or amusement room shall be used for lodgings, sleeping apartments or family domicile.

Not for lodgings.

Whenever such reception or amusement rooms are placed in a wooden tenement building or in a tenement which is not a wooden tenement, the story or basement in which such rooms are located shall have a minimum height between the finished floor and finished ceiling of not less than nine feet.

Height of ceiling.

No wooden tenement shall contain more than three stories used or designed to be used for living purposes and a basement containing living apartments shall be counted as a story in determining the number of stories of a tenement house. Such tenement house may step up or down to follow the grade.

Basement with living rooms deemed a story.

SEC. 34. A non-fireproof tenement house may be built four stories in height; *provided*, the exterior walls are all of brick or stone or concrete and all other municipal requirements for this class of building are complied with. If in addition to above requirements all joists, girders, studding, furring and the soffits of stairs be lathed with metal lath and plastered, such tenement houses may be built not to exceed six stories; *provided*, the height limits imposed by municipal ordinance for all buildings of this particular class be not exceeded. A cellar is not a story within the meaning of this section. However, the building may step up or down to follow the grade, provided that no part of said building exceeds the number of stories provided for in this section.

Non-fireproof tenement may be four stories high.

SEC. 35. Every tenement house hereafter erected exceeding six stories or parts of stories in height (above the curb) shall be a fireproof tenement house. A cellar is not a story within the meaning of this section.

Tenements over six stories to be fire-proof.

SEC. 36. Every tenement house shall be provided and equipped with standpipes and with metallic fire escapes, combined with suitable metallic balconies, platforms and railings, as provided for, or which shall be provided for by the ordi-

St and pipes and fire escapes.

nances of the incorporated town, incorporated city or city and county in which the tenement house is situated. No incumbrance of any kind shall at any time be placed before, upon or against any stairway, steps or landings or fire escapes in or upon any tenement house. All fire escapes upon tenement houses shall be kept in good order and repair, and every exposed part thereof shall at all times be protected against rust by durable paint.

Stairway
to roof.

SEC. 37. Every tenement house hereafter erected, more than two stories in height, shall have a stairway not less than three feet in width leading to an opening on to the roof and provided with a penthouse over such a stairway (such penthouse to be constructed on the inside and ceiling, of the same materials as required in this section for the walls enclosing stairway, and provided with a door). Such stairway shall be provided with proper handrail and be enclosed with walls of fireproof materials or wood studs lathed on the stair side with metal lath and plaster, or such wood studs may be covered with metal in lieu of metal lath and plaster. Any door opening from such stairway to the roof space shall be covered on the stair side with metal. The soffits of all such stairs shall be covered with metal or metal lath plastered.

Stairs
from
entrance
to roof.

SEC. 38. Every tenement house hereafter erected, more than two stories in height, shall have at least one flight of stairs, extending from the entrance floor to the roof and the stairs and public halls therein shall be at least three feet wide in the clear and every non-fireproof tenement house containing not more than fifty rooms shall have a secondary flight of stairs running from the top floor down to the second floor and not less than two feet six inches wide. A fire escape may take the place of this second stairway, provided said fire escape connects directly with a public hallway or is accessible to each apartment.

Stairs in
non-fire-
proof
tenements.

SEC. 39. Every non-fireproof tenement house hereafter erected containing over fifty rooms, exclusive of bathrooms, above the entrance story, shall also have an additional flight of stairs for every additional eighty rooms or fraction thereof, if said house contains not more than one hundred rooms above the entrance story, in lieu of an additional stairway, the stairs, stair halls and entrance halls throughout the entire building shall be at least one half wider than is specified in sections thirty-eight and forty-two of this act. However, where an additional flight of stairs is added in accordance with the provisions of this section, the secondary stairway required in section thirty-eight may be omitted.

Additional
stairs in
fire-proof
tenements
having
more than
120 rooms.

SEC. 40. Every fireproof tenement house hereafter erected containing over one hundred and twenty rooms above the entrance story, exclusive of bathrooms, shall have an additional flight of stairs for every additional one hundred and twenty rooms or fraction thereof, but if said house contains not more than one hundred and eighty rooms above the entrance story, exclusive of bathrooms, in lieu of an additional stairway

the stairs, stair halls and entrance halls throughout the entire building may each be at least one half wider than is specified in sections thirty-eight and forty-two of this act, and if such house contains not more than three hundred rooms above entrance story, exclusive of bathrooms, in lieu of four stairways there may be but three stairways; *provided*, that one of such stairways and the stair halls and entrance halls connected therewith are at least one half wider than is specified in sections thirty-eight and forty-two of this act.

SEC. 41. Each flight of stairs mentioned in the last two sections shall have an entrance on the entrance floor from the street or street court, or from an inner court which connects directly with the street. All stairs shall be constructed with a rise of not more than eight inches, and with treads not less than nine inches wide, exclusive of nosings. Where winders are used all treads at a point eighteen inches from the strings on the wall side shall be at least ten inches wide.

Construction of stairs

SEC. 42. Every entrance hall in a tenement house hereafter erected shall be at least three feet six inches in the clear from the entrance up to and including the stair enclosure, and beyond this point three feet wide in the clear. In every tenement house hereafter erected, access shall be had from the street to the yard, either in a direct line or through a court.

Entrance halls.

SEC. 43. In non-fireproof tenement houses hereafter erected no closet of any kind shall be constructed under any stairway leading from the first story exclusive of the cellar, to the upper stories, but such space shall be left entirely open and kept clear and free from incumbrance.

No closets under stairways

SEC. 44. In every tenement house hereafter erected there shall be an entrance to the cellar or other lowest story from the outside of said building.

Cellar entrances.

SEC. 45. No tenement house shall be increased in height or its lot decreased so that its yard shall be diminished to less than is required by sections eight to eleven inclusive of this act, or so that a greater percentage of the lot shall be occupied by buildings or structures than provided for in section five of this act. For the purpose of this section, the measurements for computing the percentage of lot to be occupied may be taken at the level of the second tier of beams, the second floor level, except in tenement houses where rooms on the ground floor are to be occupied as sleeping apartments; *provided*, that the space occupied by open iron fire escapes and by chimneys or flues located in yards and attached to the house, which do not exceed five square feet in area and do not obstruct the light or ventilation, shall not be deemed part of the lot occupied.

Tenements not to be increased in height.

SEC. 46. No tenement house shall be increased in height so that said building shall exceed in height by more than one half the width of the widest street on which it stands.

Height limited to 1/2 width of street.

SEC. 47. Any shaft or court used or intended to be used to light or ventilate rooms intended to be used for living purposes, and which may hereafter be placed in tenement houses erected prior to the passage of this act, shall not be less in

Area of shafts or courts.

area than twenty-five square feet, or less than four feet in width in any part, and such shaft shall under no circumstances be roofed or covered over at the top with a roof or skylight.

Additional rooms to comply with act.

SEC. 48. Any additional room or hall that is hereafter constructed or created in a tenement house shall comply in all respects with the provisions of this act applicable to tenement houses to be erected hereafter, except that such rooms may be the same height as the other rooms of the same story of the house.

Light or ventilation not to be diminished.

SEC. 49. No tenement house shall be so altered that any room or public hall or stairs shall have its light or ventilation diminished in any way not approved by the health department or other department designated by municipal ordinance for that purpose.

Rooms not to be subdivided by curtains.

SEC. 50. No part of any room in any tenement house shall hereafter be enclosed or subdivided wholly or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device, unless such part of the room so enclosed or subdivided, shall contain a window as required by section eighteen of this act, and have a floor area of not less than ninety square feet; *provided, however*, that closets or alcoves of not more than twenty-five square feet in area do not come within the provisions of this section.

New water-closets.

SEC. 51. Every new water-closet hereafter placed in a tenement house, except one provided to replace a defective or antiquated fixture in the same location, shall comply with the provisions of section thirty-one of this act relative to water-closets in tenement houses hereafter erected.

Wooden tenements limited to 150 rooms.

SEC. 52. No existing wooden tenement house shall hereafter be increased in size so as to contain more than one hundred and fifty rooms exclusive of bathrooms.

Not to exceed three stories high.

SEC. 53. No wooden tenement house shall be increased in height so as to exceed three stories, exclusive of the cellar. However, the building may step up or down to follow the grade; *provided*, no part of said building is over three stories in height.

Alteration of non-fireproof tenements.

SEC. 54. A non-fireproof tenement house may hereafter be altered to be four stories in height; *provided*, the exterior walls are all of brick or stone or concrete and all other municipal requirements for this class of building are complied with. If in addition to the above requirements all joists, girders, studding, furring and the soffits of stairs be lathed with metal lath and plastered, such tenement houses may be built not to exceed six stories; *provided*, the height limits imposed by municipal ordinances for all buildings of this particular class be not exceeded. A cellar is not a story within the meaning of this section. However, the building may step up or down to follow the grade; *provided* no part of the said building exceeds the number of stories provided for in this section.

Only fireproof tenements over six stories.

SEC. 55. No tenement house shall hereafter be altered to exceed six stories or parts of stories in height unless it is a

fireproof tenement house. A cellar is not a story within the meaning of this section.

SEC. 56. No stairs leading to the roof in any tenement house shall be removed or replaced with a ladder, unless a new stairway is built in conformity with requirements of section thirty-seven. Stairs to roof not to be removed.

SEC. 57. No public hall or stairs in a tenement house shall be reduced in width so as to be less than the minimum width prescribed in sections thirty-eight and forty-two of this act. Public halls not to be reduced.

SEC. 58. In every tenement house containing fifteen rooms or more, where the public halls and stairs are not in the opinion of the health department or other department designated by municipal ordinance for that purpose, sufficiently lighted, the owner of such house shall keep a proper light burning in the hallway near the stairs upon each floor from sunrise to sunset. Light burning in hall.

SEC. 59. In every tenement house containing fifteen rooms or more, a proper light shall be kept burning by the owner in the public hallways, near the stairs, upon the entrance floor, and upon the second floor above the entrance floor of said house, every night from sunset to sunrise throughout the year, and upon all other floors of the said house from sunset until ten o'clock in the evening. Light in hall from sunset to sunrise.

SEC. 60. No water-closets shall be maintained in the cellar of any tenement house without a special permit in writing from the health department, or other department designated by municipal ordinance for that purpose which shall have power to make rules and regulations governing the maintenance of such closets. Water-closets in cellar.

SEC. 61. In every tenement house existing prior to the passage of this act, at least one water-closet shall be provided for every two families; *provided, however,* that the health department or other department designated by municipal ordinance for that purpose may exempt any tenement house existing prior to the passage of this act from the provision in this section above contained, whenever, in the judgment of said department, it would not be detrimental to the health of the occupants of said tenement house and the written permit be signed by an officer of said department authorized so to do and filed in said department as a part of its records; *provided, further,* that the above exemption shall not apply to extensions of or additions to tenement houses existing prior to the passage of this act. One water-closet to two families.

SEC. 62. In no now existing tenement house shall any room in the cellar be constructed, altered, converted or occupied for living purposes; and no room in the basement of a tenement house shall be constructed, altered, or converted to be occupied for living purposes, unless all of the following conditions of this act be complied with, and at least two thirds of the basement shall be above grade for building; *provided,* in each case it shall be at least seven feet above the street grade and actual ground level. Such rooms shall be at No living rooms in cellar except on certain conditions.

least eight feet six inches high in all now existing tenement houses in every part, from the floor to the ceiling. There shall be appurtenant to such room or apartment a water-closet conforming to the regulations and ordinances relating to water-closets, of the incorporated town, incorporated city, or city and county in which the tenement house is or is to be built. All walls shall be dampproofed, and there shall be an open area way extending to bottom of basement floor and running clear across outside of at least one room in each apartment.

Floors
around
water-
closets to
be kept
in repair.

SEC. 63. In all tenement houses the floor and wall surfaces beneath and around all water-closets and sinks shall be maintained in good order and repair, and if of wood shall be kept well painted with light colored paint.

Roof kept
in repair.

SEC. 64. The owner of every tenement house shall see that such house and all parts thereof shall be kept in good order and the roof shall be kept so as not to leak, and all rain water shall be so drained and conveyed therefrom as to prevent its dripping on the ground or causing dampness in the walls, ceilings, yards, or areas.

To be kept
clean.

SEC. 65. The owner of every tenement house shall see that such house and every part thereof shall be kept clean and free from any accumulation of dirt, filth or garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected or belonging to the same.

Court
walls
white-
washed.

SEC. 66. The walls of all yard courts, inner courts and shafts, unless built of light colored brick or stone, shall be thoroughly whitewashed by the owner, lessee or tenant, or shall be painted a light color and so maintained.

Paint to
improve
lighting
of rooms.

SEC. 67. In all tenement houses, the health department or other department designated by municipal ordinance for that purpose may require the walls and ceilings of every room that does not open directly on the street to be kalsomined white or painted with white paint when necessary to improve the lighting of such rooms, and may require this to be renewed as often as may be necessary.

Wall
paper.

SEC. 68. No wall paper shall be placed upon a wall or ceiling of any tenement house unless all wall paper shall be first removed therefrom and said wall and ceiling thoroughly cleaned.

Garbage
receptacles.

SEC. 69. The owner of every tenement house shall provide for said building proper and suitable conveniences or receptacles for ashes, rubbish, garbage, refuse and other matter.

Animals
not to be
kept in
tenements.

SEC. 70. No horse, cow, calf, swine, goat, rabbit, or sheep, chickens or poultry shall be kept in a tenement house, or within twenty feet thereof on the same lot, and no tenement house or the lot or premises thereof, shall be used for a lodging house or stable, or for the storage or handling of rags.

Janitor.

SEC. 71. Whenever there shall be more than eight families living in any tenement house, in which the owner does not reside, there shall be a janitor, housekeeper, or some responsible person who shall reside in said house and have charge of same, as the department charged with the enforcement of this act shall so require.

SEC. 72. No room in any tenement house shall be so overcrowded that there shall be afforded less than four hundred cubic feet of air to each person occupying such room.

400 cubic feet of air to each person.

SEC. 73. No tenement house or any part thereof, nor of the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any combustible article except under such conditions as may be prescribed by the department of any incorporated town, incorporated city, or city and county to which this act applies, which are now charged with the enforcement of laws, ordinances, or regulations, relating to the erection of buildings, the protection of public health, and police and fire protection. No tenement house nor any part thereof, nor of the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, nor for the storage, keeping or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers or rags.

Combustible articles not to be stored in tenements.

SEC. 74. No bakery, and no place of business in which fat is boiled shall be maintained in any tenement house which is not fireproof throughout, unless the ceilings and side walls of said bakery or place where fat boiling is done are made safe by fireproof materials around the same, and there shall be no openings either by door or window, dumb-waiter shafts or otherwise, between said bakery or said place where fat is boiled in any tenement house and the other parts of said building.

Bakery in tenements.

SEC. 75. All transoms and windows opening into halls from any portion of a tenement house where paint, oil, spirituous liquors or drugs are stored for the purpose of sale or otherwise, shall be glazed with wire glass or they shall be removed and closed up as solidly as the rest of the wall. And all doors leading into such hall from such portion shall be made fireproof.

Transoms where paints are stored.

SEC. 76. All scuttles and pent houses and all stairs or ladders leading thereto shall be easily accessible to all tenants of the building, and kept free from incumbrance, and ready for use at all times. No scuttle and no pent house door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or hooks.

Scuttles and pent houses.

SEC. 77. No room in a tenement house erected prior to the passage of this act shall hereafter be occupied for sleeping purposes, unless it shall have a window opening directly upon the street, or upon a yard not less than ten feet deep, or above the roof of an adjoining building, or upon a court of not less than twenty square feet in area, open to the sky without roof or skylight, unless such room is located on the top floor and is adequately lighted and ventilated by a skylight opening directly to the outer air, or is on the top floor and has a window opening upon a court not less than ten square feet in area and not more than three feet below the top of the walls of said court. Every room in such tenement house, regardless of the use thereof, shall comply with the above provisions;

Sleeping rooms to have windows on streets, etc.

or, if the room be not used for sleeping purposes, shall be provided with a sash window, opening into an adjoining room in the same apartment which latter room either opens directly on the street or on a yard of the above dimensions. Said sash window shall be a vertically sliding pulley, hung sash not less than three feet by five feet between stop beads; both halves shall be made so as to readily open, and shall be glazed with translucent glass, and so far as possible it shall be in line with windows in outer rooms opening on the street or yard as to afford a maximum of light and ventilation.

Glass may be required in doors of public halls.

SEC. 78. In all now existing tenement houses whenever a public hall on any floor is not light enough in the daytime to permit a person to read in every part thereof without the aid of artificial light, the wooden panels in the doors located at the ends of the public halls and opening into rooms shall be removed, and ground glass or other translucent glass or wire glass panels of an aggregate area of not less than four square feet for each door shall be substituted; or said public hall may be lighted by a window at the end thereof with the plane of the window at right angles to the axis of the said hall, said window opening upon the street or upon a yard or court.

Space under water-closet seats open.

SEC. 79. In all now existing tenement houses, the woodwork enclosing all water-closets shall be removed from the front of said closets and the space underneath the seat shall be left open. The floor and other surface beneath and around the closet shall be maintained in good order and repair and if of wood shall be kept well painted with light colored paint.

Space under sinks open.

SEC. 80. In all now existing tenement houses the woodwork enclosing sinks or lavatories, located in rooms, located in public halls or stairs shall be removed, and the space underneath sink or lavatory, shall be left open. The floors and wall surfaces beneath and around the sink or lavatory shall be maintained in good order and repair, and if of wood shall be well painted.

Access to shafts for cleaning.

SEC. 81. In all now existing tenement houses there shall be at the bottom of every shaft or inner court, a door or window giving sufficient access to each shaft or court to enable it to be properly cleaned out.

School sinks to be removed.

SEC. 82. In all tenement houses erected prior to the passage of this act, where a connection with a sewer is possible, all school sinks, privy vaults or other similar receptacles used to receive fecal matter, urine or sewage, shall be completely removed and the place where they are located properly disinfected under the direction of the health department or other department designated by municipal ordinance for that purpose. Such appliances shall be replaced by individual water-closets of durable non-absorbent material, properly sewer-connected, and with individual traps, and properly connected flush tanks providing an ample flush of water to thoroughly cleanse the bowl. Each water-closet shall be located in a compartment completely separated from every other water-closet, and such compartment shall contain a window of not less than three

Water-closet compartments.

square feet in area opening directly to the street, or yard, or on a court of the minimum size prescribed in section twenty-five of this act. The floors of the water-closet compartments shall be water proof as provided in section thirty-one of this act. Where water-closets are placed in the yard to replace school sinks or privy vaults, the structure containing the water-closets shall not exceed ten feet in height; such structure shall be provided with a ventilating skylight in the roof, of adequate size, and each water-closet shall be located in a compartment separated completely from every other water-closet. Proper and adequate means for lighting the structure at night shall be provided. There shall be provided at least one water-closet for every two families in every tenement house existing on the day this act takes effect subject to the provisions of section sixty-one of this act. Except as in this section otherwise provided such water-closets and all plumbing in connection therewith shall be in accordance with the ordinances and regulations in relation to plumbing and drainage.

One water-closet to two families.

SEC. 83. Every tenement house of more than two stories in height erected prior to the passage of this act, shall have in the roof a pent house or a scuttle which shall not be less than twenty-one by twenty-eight inches, and located in the ceiling of a public hall. All scuttles shall be covered on the outside with metal and shall be provided with stairs or stationary ladders leading thereto and easily accessible to all tenants of the building. No scuttle and no bulkhead door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or locks. All key locks on scuttles and on pent house doors shall be removed.

Pent house in roof.

Scuttles not to be locked

SEC. 84. Before the construction or alteration of a tenement house or the alteration or conversion of a building for the use of a tenement house is commenced, and before the construction or alteration of any building or structure on the same lot with a tenement house, the owner or his agent or architect shall submit to the health department or other department designated for that purpose by ordinance of the municipality in which said work is contemplated, a detailed statement in writing, verified by the affidavit of the person making the same, of the construction of such tenement house or building or of such alterations proposed to be made to the said tenement house or building, upon blanks or forms to be furnished by such department. Also a full and complete copy of the plans and specifications of the tenement house or building proposed to be erected or altered, as the case may be, together with a plan of the lot on which such building is proposed to be erected or altered or such portion of the lot as will be set aside exclusively for and under the control of the said tenement house building. Such statement shall give in full the name and residence by street and number of the owner or owners of such tenement house or building. Also the name and business address by street and number of the architect and the contractor. Said affidavit

Plans to be submitted to health department.

shall allege that said plans, specifications and lot plan are true and contain a correct description of such tenement house, building, lot, structure and proposed work. The statements and affidavits herein provided for may be made by the owner or his agent or architect. No person, however, shall be recognized as the agent of the owner unless he shall file with said department an affidavit alleging that he is authorized by the said owner to act for him and to sign the required affidavit. Any false swearing in a material point in such affidavit shall be deemed perjury. Such plans, specifications and statements shall be filed in said department and shall be deemed public records. Said department charged with the enforcement of this act shall cause all such plans and specifications to be examined and if such plans and specifications conform to the provisions of this act shall issue a written certificate to that effect to the person submitting the same. Such certificate shall state that "tenement house act has been complied with." Said department may from time to time approve changes in any plans or specifications previously approved by it; *provided*, plans and specifications when so changed shall be in conformity with the provisions of this act. Said department shall have power to revoke or cancel any permit or approval that has been previously issued in case of any failure or neglect to comply with any of the provisions of this act or in case any false statement or misrepresentation is made in any of the said plans, specifications or statements submitted or filed for such permit or approval. The construction, alteration or conversion of such tenement house, building or structure or any part thereof, shall not be commenced until the filing of such specifications, plans and statements, and the approval thereof, as above provided. The construction, alteration or conversion of such house, building or structure, shall be in accordance with such approved specifications and plans. When the original plans are filed a copy shall be presented to the department with which the plans are filed and when the permit to construct or alter is issued said copy shall be certified thereon by said department as a true copy of said plans and delivered to the person applying for said permit and shall be kept upon the premises upon which the tenement house or building is to be constructed or altered from the commencement of the work thereon to the final completion of the construction or alteration and be subject to inspection at all times by all proper authorities.

A copy of all changes or alterations in the original plans duly authorized shall also be kept upon the premises or said changes or alterations shall be noted upon the original copy so issued and certified by the department with which the original plans were filed. The department charged with the enforcement of this act may, at its discretion, issue a permit in case of nominal alterations and repairs, when application is made therefor in writing by the owner, his agent or architect, when the making of said nominal alterations and repairs

Approval of plans.

Approval of changes.

Power to revoke permit.

Work not to begin until plans are filed.

Changes in original plans.

Permit for nominal repairs.

do not affect any structural feature, light or sanitation of a tenement house building, without requiring the filing of plans, specifications or lot plan. Any permit or approval which may be issued by said department but under which no work has been done within ninety days from the date of issuance of such permit or approval or where work has been suspended for a period of ninety days shall expire by limitation, and a new permit shall be obtained before the work may be prosecuted.

Permit suspended after 90 days.

SEC. 85. Upon the completion of the construction or alteration of a tenement house or alteration of a building into a tenement house and the making of a written application therefor by the owner, his agent, architect or contractor to the health department or other department designated by municipal ordinance to enforce the provisions of this act regarding actual construction or alteration of a tenement house or building, said department, if said building at the date of such application is entitled thereto, shall, within ten days from the date of application, issue a certificate that the tenement house or building or alteration thereof is completed in conformity with the tenement house act, which certificate shall be entitled "Certificate of final completion," and upon presentation of said certificate to the department of health of the incorporated town, incorporated city, or city and county in which the building is located and filing the same with such department the department of health shall issue a permit to occupy such tenement house, which last mentioned permit shall be entitled "Permit of occupancy upon completion of construction."

Certificate of completion of tenement in conformity with act.

Permit of occupancy.

Said certificate and said permit shall each be made in duplicate and one copy of each shall remain on file in the department issuing it.

No tenement house shall be occupied in whole or in part for human habitation until the issuance of the said "Certificate of final completion" and of said "Permit of occupancy upon completion of construction."

SEC. 86. If any building hereafter constructed as or altered into a tenement house, be occupied in whole or in part for human habitation in violation of the last section, during such unlawful occupancy said premises shall be deemed unfit for human habitation and the department of health or other department charged with the enforcement of this act may cause them to be vacated accordingly.

Building in violation of act deemed unfit for habitation.

SEC. 87. Except as herein otherwise provided, the provisions of this act shall be enforced by the departments of any incorporated town, incorporated city, or city and county to which this act applies, which are charged with the enforcement of laws, ordinances, and regulations relating to the protection of public health and the erection of buildings.

Enforcement of act.

By the term "department of health" used in this act is meant any department, portion or part of the government of any incorporated town, incorporated city or city and county to which this act applies which is charged with the enforcement

"Department of health" defined.

of laws, ordinances and regulations relating to the protection of public health.

Right to enter tenements for inspection.

SEC. 88. The department of health or other department charged with the enforcement of this act in any incorporated town, incorporated city or city and county to which this act applies and the officers and agents of such departments shall have the right and it shall be its and their duty to enter into tenement houses and buildings within the said municipal corporation for the purpose of inspecting such houses and buildings to secure compliance with the provisions of this act, and to prevent violations thereof.

Local building regulations not impaired.

SEC. 89. Nothing in this act shall be construed to abrogate or impair the powers of the department of health, the department of public works or of the courts, to enforce any provisions of the charter or building ordinances and regulations of any incorporated town, incorporated city, or city and county, not inconsistent with this act, or to prevent or punish violations thereof.

Act provides minimum requirements.

The provisions of this act shall be held to be the minimum requirements adopted for the protection, health and safety of the community. Nothing in this act contained shall be construed as prohibiting the local legislative body of any incorporated town, incorporated city or city and county, from enacting from time to time supplementary ordinances imposing further restrictions. But no ordinance, regulation or ruling of any municipal authority shall repeal, amend, modify or dispense with any provision of this act.

Penalty.

SEC. 90. Every person who shall violate or assist in violation of any provision of this act shall be guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding six months or by a fine not exceeding five hundred dollars or by both, and in addition to the penalty therefor, shall be liable for all costs, expense and disbursements paid or incurred by the department, by any of the officers thereof, or by any agent, employee or contractor of the same, in the prosecution of such violation.

Procedure for preventing violations.

SEC. 91. Except as herein otherwise specified the procedure for the prevention of violations of this act, or for the vacation of premises unlawfully occupied, or for other abatement of nuisance in connection with a tenement house, shall be as set forth in charter and ordinances of the municipality in which the procedure is taken. In case any tenement house, building or structure or any part thereof is constructed, altered, converted or maintained in violation of any provision of this act or of any order or notice of the departments charged with its enforcement, or in case a nuisance exists in any such tenement house, building or structure or upon the lot on which it is situated, said departments may institute any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of said tenement house, building or structure, or to prevent

any illegal act, conduct or business in or about such tenement house or lot. In any such action or proceeding said departments may, by affidavit setting forth the facts, apply to the superior court, or to any judge thereof, for an order granting the relief for which said action or proceeding is brought, or for an order enjoining all persons from doing or permitting to be done any work in or about such tenement house, building, structure or lot, or from occupying or using the same for any purpose, until the entry of final judgment or order. In case any notice or order issued by said departments is not complied with, said departments may apply to the superior court, or to any judge thereof, for an order authorizing said departments to execute and carry out the provisions of said notice or order, to remove any violation specified in said order or notice, or to abate any nuisance in or about such tenement house, building or structure, or the lot upon which it is situated. The court, or any judge thereof, is hereby authorized to make any order specified in this section. In no case shall the said department or any officer thereof or the municipal corporation be liable for costs in any action or proceeding that may be commenced in pursuance of this act.

Application to superior court.

Department not liable for costs

SEC. 92. Every fine imposed by judgment under section ninety of this act upon a tenement house owner shall be a lien upon the house in relation to which the fine is imposed from the time of the filing of a certified copy of said judgment in the office of the recorder of the county in which said tenement house is situated, subject only to taxes and assessments and water rates, and to such mortgage and mechanics' liens as may exist thereon prior to such filing; and it shall be the duty of the department of health or other department by municipal ordinance designated for that purpose, upon the entry of such judgment, to forthwith file the copy as aforesaid, and such copy upon filing shall be forthwith indexed by the recorder in the index of mechanics' liens.

Fine lien on building.

SEC. 93. In any action or proceeding instituted by the departments charged with the enforcement of this act, the plaintiff or petitioner may file in the county recorder's office of the county where the property affected by such action or proceeding is situated, a notice of the pendency of such action or proceeding. Said notice may be filed at the time of the commencement of the action or proceeding, or at any time afterwards before final judgment or order, or at any time after the service of any notice or order issued by said department. Such notice shall have the same force and effect as the notice of pendency of action provided for in the Code of Civil Procedure. Each county recorder with whom such notice is filed shall record it, and shall index it in the name of each person specified in a direction subscribed by an officer of the department instituting such action or proceeding. Any such notice may be vacated upon the order of a judge of the court in which such action or proceeding was instituted or is pending. The recorder of the county where such notice is filed is

Notice of pendency of action.

hereby directed to mark such notice and any record or docket thereof as canceled of record, upon the presentation and filing a certified copy of such order.

Owners of tenements to file names and addresses, etc.

SEC. 94. Every owner of a tenement house and every lessee of the whole house, or other person having control of a tenement house, shall file in the department of health a notice containing his name and address, and also a description of the property, by street and number, and otherwise, as the case may be, in such manner as will enable the departments charged with the enforcement of this act to easily find the same; and also the number of apartments in each house, the number of rooms in each apartment, and the number of families occupying the apartments. In case of a transfer of any tenement house, it shall be the duty of the grantee of said tenement house to file in the department of health a notice of such transfer, stating the name of the new owner, within thirty days after such transfer. In case of the devolution of the said property by will, it shall be the duty of the executor and the devisee, if more than twenty-one years of age, and in the case of devolution of such property by inheritance without a will, it shall be the duties of the heirs, or in case all the heirs are under age, it shall be the duty of the administrator of the deceased owner of said property to file in said department a notice, stating the death of said owner and the names of those who have succeeded to his interests, within thirty days after the death of the decedent, in case he died intestate, and within thirty days after the probate of his will, if he died testate.

In case of transfer of tenements, etc.

Notice of agents for receiving service of process.

SEC. 95. Every owner, agent or lessee of a tenement house shall file in the department of health a notice containing the name and address of such agent of such house, for the purpose of receiving service of process, and also a description of the property, by street and number or otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act to easily find the same. The name of the owner or lessee may be filed as agent for this purpose.

Names and addresses indexed.

SEC. 96. The names and addresses filed in accordance with sections ninety-four and ninety-five shall be indexed by the department of health in such a manner that all of those filed in relation to each tenement house shall be together and readily ascertainable. The department of health shall provide the necessary books and clerical assistance for that purpose, and the expense thereof shall be paid by the municipality. Said indexes shall be public records, open to public inspection during business hours.

Five days' notice.

SEC. 97. Every notice or order in relation to a tenement house shall be served five days before the time for doing the thing in relation to which it shall have been issued.

Sufficiency of service of summons.

SEC. 98. In any action brought by any department charged with the enforcement of this act in relation to a tenement house for injunction, vacation of the premises, or other abate-

ment of nuisance, or to establish a lien thereon, it shall be sufficient service of summons to serve the same as notices and orders are served under the provisions of the Code of Civil Procedure.

SEC. 99. A tenement house shall be subject to a penalty of one thousand dollars, if it or any part of it shall be used for the purposes of a house of prostitution or assignation of any description, with the permission of the owner thereof, or his agent, and said penalty shall be a lien upon the house and the lot upon which the house is situated.

Penalty for using as house of prostitution.

SEC. 100. A tenement house shall be deemed to have been used for the purposes specified in the last section with the permission of the owner or lessee thereof, if summary proceedings for the removal of the tenants of said tenement house, or so much thereof as is unlawfully used, shall not have been commenced within five days after notice of such unlawful use, served by a department charged with the enforcement of this act in the manner prescribed by law for the service of notices and orders in relation to tenement houses.

When deemed used as house of prostitution.

SEC. 101. In a prosecution against an owner or agent of a tenement house under section three hundred and sixteen of the Penal Code, or in an action to establish a lien under section ninety-nine of this act, the general reputation of the premises in the neighborhood shall be competent evidence, but shall not be sufficient to support a judgment without corroborative evidence, and it shall be presumed that their use was with the permission of the owner or lessee; *provided*, that such presumption may be rebutted by evidence.

Reputation in neighborhood competent evidence.

SEC. 102. Said action shall be brought against the tenement house as defendant. Said house may be designated in the title of the action by its street and number or in any other method sufficiently precise to secure identification. The property shall be described in the complaint. The plaintiff, except as hereinafter provided, shall be any department charged with the enforcement of this act.

Tenement as defendant

SEC. 103. Said action shall be brought in the superior court in the county or city and county in which the property is situated. At, or before the commencement of the action, the complaint shall be filed in the office of the clerk of the county or city and county, together with a notice of the pendency of the action, containing the names of the parties, the object of the action, and a brief description of the property affected thereby.

Action brought in superior court.

SEC. 104. The judgment in such action, if in favor of the plaintiff, shall establish the penalty sued for as a lien upon said premises, subject only to taxes, assessments, and to such mortgages and mechanics' liens as may exist thereon prior to the filing of the notice of pendency of the action.

Judgment establishes penalty as lien.

SEC. 105. All statutes of the state and ordinances of incorporated towns, incorporated cities and cities and counties, as far as inconsistent with the provisions of this act, are hereby

Inconsistent statutes repealed, except those further restricting.

repealed; *provided*, that nothing in this act contained shall be construed as repealing or abrogating any present law or ordinance in any incorporated town, incorporated city or city and county of the state, further restricting the percentage of the lot to be covered by a tenement house, the number of stories or the height of such house, the number of apartments therein, the occupation thereof, the materials to be used in its construction, or increasing the size of yards or courts, the air space to each individual occupying a room, the requirements as to sanitation, ventilation, light, protection against fire.

Cities may further restrict.

SEC. 106. Nothing in this act contained shall be construed as abrogating, diminishing, minimizing or denying the power of any incorporated town, incorporated city or city and county by ordinance to further restrict the percentage of the lot to be covered by a tenement house within said municipality, the number of stories or the height of such house, the number of apartments therein, the occupation thereof, the materials to be used in its construction or increasing the size of yards or courts, the air space to each individual occupying a room, the requirements as to sanitation, ventilation, light, protection against fire.

Tenements to conform with law.

SEC. 107. Except as herein otherwise provided, every tenement house shall be constructed and maintained in conformity with the existing law, but no ordinance, regulation or ruling of any municipal authority shall repeal, modify or dispense with any provisions of this act.

Improvements required to be made within one year.

SEC. 108. All improvements specifically required by this act upon tenement houses erected prior to its date of passage, shall be made within one year from said date, or at such earlier period as may be fixed by the boards of health charged with the enforcement of this act.

Boiler rooms to have masonry walls.

SEC. 109. All steam boilers, heating furnaces, or water-heating apparatus, using any fuel other than coal-gas or natural gas, installed in the basement or cellar of any tenement building, shall be enclosed in a room with walls of masonry, reinforced concrete, terra cotta or tile from the basement or cellar floor to the bottom of the first floor joists, and the ceiling of same construction or of not less than three fourths ($\frac{3}{4}$) inch plaster on metal lath.

Windows and doors

All windows shall be of wire glass not less than one quarter of an inch thick in metal frames and sashes. All doors leading from said room shall be fire doors and either run on tracks or arranged to swing out and to close automatically.

Fire doors.

All fire doors shall overlap the wall at least three inches at side and top. Sills shall be of metal at least one quarter of an inch thick on masonry, or of masonry, and have horizontal faces extending under fire doors and outer edges flush with outer surface of fire doors.

Sliding doors.

Top of sliding door shall conform to incline on the track, which shall be three quarters inch to the foot. No door shall be hung on wooden frames or in contact with any woodwork.

Thickness of doors.

Doors shall be made of three (3) thicknesses of seven-

eighths inch by six (6) inch tongued and grooved redwood boards, surfaced both sides, the outer thickness to be placed vertical or diagonal and the inner thickness to be horizontal, nailed with clinched nails.

Doors shall be entirely covered with good tin plate ("IC" charcoal, 109 pounds to the box), not over fourteen (14) inches by twenty (20) inches in size, laid with locked joints covering nail heads, and all vertical seams shall be double-locked. No solder shall be used. Covered with tin.

All doors shall have hinges, hangers, latches and chafing strips of wrought iron bolted to the doors, and shall have steel tracks, (when sliding doors) and wrought iron stops and binders bolted through the wall. Swinging doors shall have wall eyes of wrought iron built into or bolted through the wall. Hinges.

Where oil is burned, every doorway shall have a masonry sill rising not less than six (6) inches from the floor.

Where oil is burned the oil shall not be fed to the furnace by a gravity flow. Where oil is burned.

All tenement houses hereafter constructed of more than two stories in height shall have at least two standard fire escapes, one of which shall be on the front of said tenement house. Tenement houses over two stories in height hereafter constructed located on corner lots shall have at least one standard fire escape, constructed as hereinafter described, placed upon each front of the building upon each frontage upon each street. Fire escapes.

The fire escape balconies of said standard fire escapes shall commence at the level of the second floor and one such fire escape balcony shall be placed at the level of each floor above such second floor and from the topmost balcony shall extend an iron gooseneck ladder over the firewall to the roof. Fire escape balconies.

SEC. 110. Every person desiring to construct or alter a tenement house shall obtain a permit from the department charged with the enforcement of this act. Every owner or lessee of a tenement house shall obtain at the beginning of each year a license from the health department of the incorporated town, incorporated city, or city and county in which said tenement house is situated. Permit to build.
Annual license.

CHAPTER 357.

An act to amend section one thousand seven hundred and thirty-one of the Political Code of the State of California, relating to the election of members of high school boards.

[Approved June 18, 1913. In effect August 10, 1913.]

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

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

1731. The regular annual election of members of the high

Annual
election
of high
school
trustees.

school board shall be held at same time as the regular annual election of school trustees. Said election shall be called by the high school board, who shall for that purpose designate a polling place in each of the school districts composing the high school district, at one of the schoolhouses thereof, at which the electors of such school districts shall vote. The high school board shall give the same notice of said election and appoint the same number of election officers in each school district as are required for the election of school trustees, and said election shall be held in the same manner as are elections of school trustees, except that the returns thereof shall be at once sent to the high school board, who shall meet at the high school on the seventh day thereafter at one o'clock p.m., and canvass said returns and issue certificates of election to the persons elected and file duplicates thereof with the superintendent of schools having jurisdiction over such high school district. The high school board elected at the first regular election following the formation of any union or joint union high school district shall at their first meeting so classify themselves by lot that one of their number shall hold office for one year, two of their number shall hold office for two years, and two of their number shall hold office for three years from the first day of May next preceding. Thereafter as each member's term expires his successor shall be elected in like manner for the term of three years and until his successor shall be elected or appointed and qualified. Vacancies on the board shall be filled by appointment by the superintendent of schools having jurisdiction over the high school district, the appointee to hold office until the first day of May next succeeding the appointment, and a person to fill any unexpired term shall be elected at the next regular election after the vacancy occurs.

Canvass
of returns.

Classifica-
tion of
members.

Vacancies.

Members
to hold
office until
July, 1910.

In each union or joint union high school district formed before this section takes effect the members of the high school board in office at the time this section takes effect or persons appointed as their successors, in case of vacancies, shall hold office until the first day of July, 1910, at which time their terms of office shall expire. At the time hereinbefore provided for the holding of the regular election of members of the high school board in the year 1910 a new board, consisting of five members shall be elected at large in each such union or joint union high school district, who shall take office on the first day of July, 1910; said high school board shall at their first meeting classify themselves by lot as hereinbefore provided for newly formed districts and thereafter their successors shall be elected as hereinbefore provided.

CHAPTER 358.

An act to amend sections six and fifteen of an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907; relating to the misbranding of drugs, and the times and places of hearings of drug cases.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. Section six of an act entitled "An act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof," approved March 11, 1907, is hereby amended to read as follows:

Section 6. Drugs shall be deemed mislabeled or misbranded under the meaning of this act in either of the following cases:

First—If it be an imitation of or offered for sale under the name of another article.

Second—If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package as offered for sale at retail or wholesale, fail to bear a statement on the label of the per cent of volume of alcohol, or the quantity of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, or any derivative or preparation of any such substances contained therein, except when prescribed by a licensed physician, licensed dentist, or licensed veterinary surgeon.

Third—If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article, or any of the ingredients or substances contained therein, which is false and fraudulent.

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

Section 15. When the examination or analysis of the director of the state laboratory shows that any of the provisions of this act have been violated, notice of that fact together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained or who executed the guaranty as provided in this act, and a date shall be fixed by the secretary of the board of health at which time said party or parties may be heard before the state board of health or any two members thereof, and the secretary. The hearing shall be held at such times and places as may be designated by the state board of health and at least fifteen days' notice thereof shall be first served upon the party complained

of. These hearings shall be private and confined to questions of fact. The parties interested therein may appear in person or by attorneys and may propound the interrogatories and submit oral or written evidence to show any fault or error in the findings made by the director of the state laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing, after notice duly served as provided herein, the secretary of the state board of health shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded drug was found. No publication thereof shall be made until after said hearing is concluded.

Certificate
of facts to
district
attorney.

CHAPTER 359.

An act to amend section one thousand six hundred and sixty-three of the Political Code of the State of California defining the classification of the public schools, the qualification of teachers, the time for prescribing the courses of study, the granting of diplomas of graduation, and the amending of the courses of study.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one thousand six hundred and sixty-three of the Political Code of the State of California is hereby amended to read as follows:

Classifica-
tion of
public
schools.

1663. 1. The public schools of California, other than those supported exclusively by the state, shall be classed as day and evening elementary, and day and evening secondary schools. The day and evening elementary schools of California shall be designated as primary and grammar schools. The day and evening secondary schools of California shall be designated as high schools and technical schools, and either class may include a portion of the other class. No teacher shall be employed to teach in any way, in any school, if the certificate held by the teacher is of a grade below that of the school or class to be taught; *provided*, that the holders of existing primary certificates or of the same when hereafter renewed or made permanent shall be eligible to teach in any of the grades of a day or evening elementary school below the sixth year and not including the kindergarten grades; and in any day or evening elementary school of the county, or city and county, which the county or city and county superintendent shall designate as a primary day or evening elementary school; *and provided, further*, that the holder of any valid special certificate for kindergarten work, or of any kindergarten primary certificate, who has had at least one year of training in a state normal school of California or other normal school accredited by the state board

Teachers
to have
certificates
of proper
grade.

of education, or one year's teaching in an elementary school, shall be entitled to teach in the first grade of the elementary schools.

2. The county, or city and county board of education must, except in incorporated cities having boards of education, on or before the first day of July of each year, prescribe the course of study in and for each grade of the day and evening elementary schools for the ensuing school year. Course of study annually prescribed.

3. Except in city school districts having boards of education, the county or city and county board of education shall provide for the conferring of diplomas of graduation by examination or otherwise upon those pupils who have satisfactorily completed the course of study provided for the day or evening elementary schools of the county or city and county. Diplomas on graduation.

4. Whenever necessary county or city and county boards of education may amend and change, subject to section one thousand six hundred and sixty-five of this code, the course of study prescribed by them for the day and evening elementary schools. Amendment of course of study.

CHAPTER 360.

An act relating to cold storage, the regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the state board of health in relation thereto.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. The term "cold storage" as used in this act shall be construed to mean a place artificially cooled to a temperature of forty degrees Fahrenheit or below but shall not include such a place in a private home. The term "cold stored" as used in this act shall be construed to mean the keeping of "articles of food," excepting eggs and butter, in "cold storage" for a period exceeding thirty days; *provided, however,* that when the term "cold stored" is used in connection with eggs and butter, it shall mean the keeping of these "articles of food" in "cold storage" for any length of time whatever. The term "articles of food" as used in this act shall be construed to mean and include fresh meat, and fresh meat products (except in process of manufacture), fresh fruit and vegetables, fish, shellfish, game, poultry, eggs, butter and cheese. The term "storer" as used in this act shall be construed to mean the person or persons who offer articles of food for cold storage. "Cold storage," etc., defined.
"Articles of food";
"storer."

SEC. 2. Any person, firm or corporation desiring to operate a public cold storage or refrigerating warehouse, shall make application in writing to the state board of health for that Application to operate cold storage plant.

purpose, stating the location of its plant or plants. On receipt of the application the state board of health shall cause an examination to be made into the sanitary condition of said plant or plants and if found to be in a sanitary condition and otherwise properly equipped for the business of cold storage, the state board of health shall cause a license to be issued authorizing the applicant to operate a cold storage or refrigerating warehouse for and during a period of one year. The license shall be issued upon payment by the applicant of a license fee of fifty dollars to the state board of health. The secretary of the state board of health shall keep a full and correct account of all fees received under the provisions of this act, and shall, at least once each month, deposit all such fees collected with the state treasurer, and make a detailed report covering same to the state controller, and such moneys shall be credited to the traveling and contingent fund of the state board of health, to be used exclusively for the purposes of this act.

License fee.

Use of unsanitary places for cold storage prohibited.

SEC. 3. In the event that any place or places, or any part thereof, covered by a license, under the provision of this act shall at any time be deemed by the state board of health to be in an unsanitary condition, it shall be the duty of the state board of health to notify licensee of such condition and upon the failure of the licensee to put said specified place or places, or the specified part thereof, in a sanitary condition within a designated time it shall be the duty of the state board of health to prohibit the use under its license [of] such specified place or places, or part thereof, as it deems in an unsanitary condition until such time as it may be put in a sanitary condition.

Record of receipts and withdrawals.

Quarterly reports.

SEC. 4. It shall be the duty of any person, firm or corporation, licensed to operate a cold storage or refrigeration warehouse to keep an accurate record of the receipts and the withdrawals of the articles of food, and the state board of health shall have free access to these records at any time. Every such person, firm or corporation, shall, furthermore, submit a quarterly report to the state board of health, setting forth in itemized particulars quantity of food products held in cold storage. Such quarterly reports shall be filed on or before the twenty-fifth day of January, April, July and October of each year, and the reports so rendered shall show the conditions existing on the first day of the month in which the report is filed. The state board of health shall have the authority to require such reports to be made at more frequent intervals than the times herein specified, if in the judgment of the state board of health more frequent reports shall be needed in the interest of a proper enforcement of this act, or for other reasons affecting the public welfare.

Diseased articles not to be stored.

SEC. 5. No storer shall place in cold storage any article of food intended for human consumption, if diseased, tainted or deteriorated so as to injure its keeping qualities, or if not slaughtered, handled and prepared for storage in accord-

ance with the pure food and sanitary food laws and such rules and regulations as may be prescribed by the state board of health for the sanitary preparation of food products for cold storage, under the authority hereinafter conferred. Any article of food if intended for use other than human consumption before being cold stored shall be marked by the owner in accordance with forms prescribed by the state board of health, under authority hereinafter conferred, in such a way as to plainly indicate the fact that such articles are not to be sold for human food.

Articles for other than human consumption to be marked.

SEC. 6. It shall be the duty of the state board of health to inspect and supervise all cold storage or refrigerating warehouses in this state, and to make such inspection of the entry of articles of food therein as the state board of health may deem necessary to secure proper enforcement of this act. The members of the state board of health or its duly authorized agents, inspectors or employees, shall be permitted access to such establishments and all parts thereof at all reasonable times for purposes of inspection and enforcement of the provisions of this act. The state board of health may also appoint and designate, at such salary or salaries as it may designate, such person or persons as it deems qualified to make the inspections herein required.

Board of health to supervise and inspect cold storage plants

SEC. 7. All articles of food when deposited in cold storage shall be marked plainly on or in connection with the containers in which they are packed on the individual article with the date of receipt, and when removed from cold storage shall be marked with the date of withdrawal, in accordance with such forms as may be prescribed by the state board of health, under the authority hereinafter conferred.

Dates of receipt and withdrawal marked on articles.

SEC. 8. No person, firm or corporation as owners or having control shall keep in cold storage any article of food for a longer period than twelve calendar months, except with the consent of the state board of health, as hereinafter provided. The state board of health, shall, upon application, grant permission to extend the period of storage beyond twelve months for a particular consignment of goods, if the goods in question are found, upon examination, to be in proper condition for further storage at the end of twelve months. The length of time for which further storage is allowed shall be specified in the order granting the permission. A report on each case in which such extension of storage may be permitted, including information relating to the reason for the action of the state board of health, the kind and the amount of goods for which the storage period was extended, and the length of time for which the continuance was granted, shall be included in the annual report of the state board of health.

Maximum period twelve months.

Extension of period.

SEC. 9. It shall be unlawful to sell, or to offer or expose for sale, uncooked articles of food which have been cold stored without notifying persons purchasing, or intending to purchase, the same that they have been kept in cold storage by the

Notice: "These are cold storage goods."

display, in a conspicuous place and upon the articles of food, of a sign marked, "These are cold stored goods," in type at least two inches high; and it shall be unlawful to represent or advertise as fresh goods articles of food which have been placed in cold storage.

Unlawful to return cold-stored articles to cold storage.

SEC. 10. It shall be unlawful to return to cold storage any article of food that has once been released from such storage and placed on the market for sale to consumers, but nothing in this section shall be construed to prevent the transfer of goods from one cold storage or refrigerating warehouse to another; *provided*, that such transfer is not made for the purpose of evading any provision of this act.

Rules and regulations.

SEC. 11. The state board of health may make rules and regulations to secure a proper enforcement of the provisions of this act, including rules and regulations with respect to the sanitary preparation of articles of food for cold storage, the use of marks, tags, or labels, and the display of signs, and the violation of such rules shall be punished on conviction, as provided in section 12 of this act.

Penalty.

SEC. 12. Any person, firm or corporation violating any of the provisions of this act shall upon conviction be punished for the first offense by a fine not exceeding five hundred dollars, and for the second offense by a fine not exceeding one thousand dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment.

SEC. 13. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 361.

An act to amend section one thousand seven hundred and forty-five of the Political Code relating to proceedings for the issuance of bonds of high school districts.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one thousand seven hundred and forty-five of the Political Code is hereby amended so as to read as follows:

Election for issuance of high school district bonds.

1745. The high school board of any high school district may, when in its judgment it is advisable, and must upon a petition of the majority of the heads of families residing in such high school district, call an election and submit to the electors of the high school district the question whether the bonds of such high school district shall be issued and sold for the purpose of raising money for purchasing high school lots, for building or purchasing one or more high school buildings or making alterations or additions to the high school building or buildings, for repairing, restoring or rebuilding any high school building damaged, injured or destroyed by fire or other

public calamity, for insuring high school buildings, for supplying high school buildings with furniture or necessary apparatus, for improving the grounds, for liquidating any indebtedness already incurred for said purposes, or for refunding any outstanding valid indebtedness of such district, evidenced by bonds or warrants thereof. Any one or more or all of said purposes, except that of refunding any outstanding valid indebtedness of such district, evidenced by bonds or warrants thereof, may by order of said board, entered in its minutes, be united and voted upon as one single proposition. Such election must be called by posting notices, signed by a majority of the high school board, in at least three public places in the high school district, not less than twenty days before the election; and if there is a newspaper of general circulation published in any county in which any part of said district is situated, by publishing such notice therein not less than once a week for three successive weeks. The first publication of said notice shall be not less than twenty-one days before such election. Such notice must contain: The time and place, or places, of holding such election; the names of the inspectors and judges to conduct the same; the hours during the day in which the polls will be open; the purposes for which the bonds are to be issued; the amount of bonds and the denomination thereof, which shall not be more than one thousand dollars or less than one hundred dollars; the rate of interest, not exceeding six per cent per annum, payable annually or semiannually; and the number of years, not exceeding forty, the whole or any part of said bonds are to run. Such election shall be conducted in conformity with the provisions of sections one thousand five hundred and ninety-six, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand five hundred and ninety-nine, one thousand six hundred, and one thousand six hundred and one of this code, and the words to appear upon the ballots shall be "high school district bonds—yes" and "high school district bonds—no" or words of similar import. Electors voting at such elections shall mark a cross with pencil, ink or rubber stamp, after the answer they desire to give. On the seventh day after said election at one o'clock p.m. if the returns have all been made to the high school board of such high school district, such high school board must meet and canvass said returns. If all the returns have not then been received, the board must adjourn from day to day until said returns are all received, and must then proceed to canvass the same. The canvass may be continued from day to day until completed.

Notices:
posting,
publica-
tion,
contents.

How
conducted.

Ballots.

Canvass of
returns.

CHAPTER 362.

An act to amend section one thousand five hundred and thirty-two of the Political Code of the State of California, relating to the duties of the superintendent of public instruction.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one thousand five hundred and thirty-two of the Political Code of the State of California is hereby amended to read as follows:

1532. It is the duty of the superintendent of public instruction:

Duties of superintendent of public instruction.

Report to governor.

First—To superintend the schools of this state.

Second—To report to the governor, on or before the fifteenth day of September preceding each regular session of the legislature, a statement of the conditions of the state normal schools and other educational institutions supported by the state and of the public schools.

Third—To accompany his report with tabular statements, showing the number attending public schools, and the average attendance; the amount of state school fund apportioned, and the sources from which derived; the amount raised by county, city and county and district taxes, or from other sources of revenue, for school purposes; and the amount expended for salaries of teachers, for building schoolhouses, for district school libraries, and for incidental expenses.

Apportion school funds.

Fourth—To apportion the state school fund; and to furnish an abstract of such apportionment to the state controller, the state board of examiners, and to the county and city and county auditors, county and city and county treasurers and to the county and city and county school superintendents of the several counties of the state. In apportioning said fund he shall apportion to every county and to every city and county two hundred fifty dollars for every teacher determined and assigned to it on average daily attendance by the county or city and county school superintendent for the next preceding school year, as required of the county or city and county school superintendent by the provisions of section eighteen hundred and fifty-eight of this code, and after thus apportioning two hundred fifty dollars on teacher basis, he shall apportion the balance of the state school fund to the several counties or cities and counties according to their average daily attendance as shown by the reports of the county or city and county school superintendents for the next preceding school year.

Fifth—To draw his order on the controller in favor of each county or city and county treasurer for school moneys apportioned to the county or city and county.

Prepare blanks

Sixth—To prepare, have printed, and furnish all officers charged with the administration of the laws relating to the

public schools, and to teachers, such blank forms and books as may be necessary to the discharge of their duties, including blank teachers' certificates to be used by county and city and county boards of education.

Seventh—To have the laws relating to the public schools printed in pamphlet form, and to supply school officers and school libraries with one copy each. Compile school laws.

Eighth—To visit the several orphan asylums to which state appropriations are made, and examine into the course of instruction therein. Visit asylums.

Ninth—To visit the schools in the different counties, and inquire into their condition; and the actual traveling expenses thus incurred, provided that they do not exceed eighteen hundred dollars per annum, shall be allowed, audited and paid out of the general fund in the same manner as other claims are audited and paid. Visit schools.

Tenth—To authenticate with his official seal all drafts or orders drawn by him, and all papers and writings issued from his office. Authenticate orders.

Eleventh—To have bound, at the state bindery, all valuable school reports, journals, and documents in his office, or hereafter received by him. Bind documents.

Twelfth—To report to the controller, on or before the tenth day of September of each year, the total average daily attendance in the elementary day and evening schools and the average daily attendance of the day and evening high schools, as shown by the annual reports of the county superintendents of the several counties on file in his office for the school year immediately preceding. Report daily attendance.

Thirteenth—To deliver over, at the expiration of his term of office, on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office. Deliver records to successor.

CHAPTER 363.

An act to provide for the asexualization of inmates of state hospitals for the insane, the Sonoma State Home, of convicts in the state prisons, and of idiots, and repealing an act entitled "An act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children and of convicts in the state prisons," approved April 26, 1909.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. Before any person who has been lawfully committed to any state hospital for the insane, or who has been an inmate of the Sonoma State Home, and who is afflicted with Asexualization of inmates of hospitals for insane before release.

hereditary insanity or incurable chronic mania or dementia shall be released or discharged therefrom, the state commission in lunacy may in its discretion, after a careful investigation of all the circumstances of the case, cause such person to be asexualized, and such asexualization whether with or without the consent of the patient shall be lawful and shall not render the said commission, its members or any person participating in the operation liable either civilly or criminally.

Asexualization of recidivists committed for sexual crimes.

SEC. 2. Whenever in the opinion of the resident physician of any state prison it will be beneficial and conducive to the benefit of the physical, mental or moral condition of any recidivist lawfully confined in such state prison, to be asexualized, then such physician shall call in consultation the general superintendent of state hospitals and the secretary of the state board of health, and they shall jointly examine into the particulars of the case with the said resident physician, and if in their opinion or the opinion of any two of them, asexualization will be beneficial to such recidivist, they may perform the same; *provided*, that such operation shall not be performed unless the said recidivist has been committed to a state prison in this or some other state or country at least two times for rape, assault with intent to commit rape, or seduction, or at least three times for any other crime or crimes, and shall have given evidence while an inmate of a state prison in this state that he is a moral or sexual degenerate or pervert; *and provided, further*, that in the case of convicts sentenced to state prison for life, who exhibit continued evidence of moral and sexual depravity, the right to asexualize them, as provided in this section, shall apply whether they shall have been inmates of a state prison in this or any other country or state more than one time or not; *provided, further*, that nothing in this act shall apply to or refer to any voluntary patient confined or kept in any state hospital of this state.

Asexualization of idiots.

SEC. 3. Any idiot if a minor, may be asexualized by or under the direction of the medical superintendent of any state hospital, with the written consent of his or her parent or guardian, and if an adult, then with the written consent of his or her lawfully appointed guardian, and upon the written request of the parent or guardian of any such idiot or fool, the superintendent of any state hospital shall perform such operation or cause the same to be performed without charge therefor.

Repealed.

SEC. 4. An act entitled "An act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prison," approved April 26, 1909, is hereby repealed.

CHAPTER 364.

An act adding a new section to the Political Code of the State of California to be numbered one thousand five hundred and twenty-seven, relating to the selection of text-books for use in the public schools of the State of California.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Political Code of the State of California to be numbered one thousand five hundred and twenty-seven, and to read as follows:

1527. It shall be the duty of any board of education, school board, board of trustees, official, officer or any other person elected or appointed to carry out the provisions of the laws of the State of California relating to the public schools of said state and vested with the power of designating text-books to be used in the said public schools, in so designating such text-books, unless otherwise provided by general law, to give preference to any text-book on any given subject of public instruction which is entirely written, compiled, printed and published in the State of California, to the exclusion of any such text-book entirely or partly written, compiled, printed and published outside of the State of California; *provided*, it shall appear to them that such text-book so as aforesaid produced in the State of California, shall be of superior or equal educational merit to, and can be procured at the same or less cost than any such text-book, so as aforesaid, entirely or partly written, compiled, printed and published outside of the State of California.

Preference given text-books written, etc., in California

CHAPTER 365.

An act to provide for assessments in reclamation districts where such districts have issued bonds pursuant to an act entitled "An act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation purposes, and their payment by taxation upon the property situated in such reclamation districts," approved March 27, 1895, or amendments thereof, and providing for the payment of such bonds by levying and collecting assessments, pursuant to the Political Code.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. Any reclamation district that has heretofore issued bonds pursuant to the provisions of an act entitled "An act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation purposes, and their payment by taxation upon the property situated in such reclamation districts," approved March 27, 1895, or any amend-

Assessments to pay reclamation district bonds authorized.

ments thereof, is hereby authorized and empowered to levy and collect assessments under the provisions of part III, article II of the Political Code of California, for the purpose of providing funds for the payment of said bonds, and all of the provisions of said Political Code relative to levying and collecting assessments, and the payment of bonds of reclamation districts, are hereby made applicable to the levying and collection of such assessments and the payment of the bonds hereinbefore mentioned.

CHAPTER 366.

An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized.

[Approved June 13, 1913. In effect August 10, 1913.]

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

Resolution
declaring
irrigation
district
bonds
available.

SECTION 1. Whenever the board of directors of any irrigation district organized and existing under and pursuant to the laws of the State of California shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of said district, including any of its bonds authorized but not sold, shall be made available for the purposes provided for in section seven of this act, the said board of directors shall thereupon file a certified copy of such resolution with the commission hereinafter provided for.

Report of
commission
on
affairs of
district.

SEC. 2. Such commission, upon the receipt of a certified copy of such resolution, shall, without delay, make or cause to be made an investigation of the affairs of the district and report in writing upon such matters as it may deem essential, and particularly upon the following points:

(a) The supply of water available for the project and the right of the district to so much water as may be needed.

(b) The nature of the soil as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation and the probable need of drainage.

(c) The feasibility of the district's irrigation system and of the specific project for which the bonds under consideration are desired or have been used, whether such system and project be constructed, projected or partially completed.

(d) The reasonable market value of the water, water rights, canals, reservoirs, reservoir sites and irrigation works owned by such district or to be acquired or constructed by it with the proceeds of any of such bonds.

(e) The reasonable market value of the lands included within the boundaries of the district.

(f) Whether or not the aggregate amount of the bonds under consideration and any other outstanding bonds of said district, including bonds authorized but not sold, exceeds sixty per centum of the aggregate market value of the lands within said district and of the water, water rights, canals, reservoirs, reservoir sites, and irrigation works owned, or to be acquired or constructed with the proceeds of any of said bonds, by said district, as determined in accordance with paragraphs (d) and (e) in this section.

(g) The numbers, date or dates of issue and denominations of the bonds, if any, which the commission shall find are available for the purposes provided for in section seven of this act, and, if the investigation has covered contemplated bonds, the total amount of bonds which the district can issue without exceeding the limitation expressed in paragraph (f) of this section.

SEC. 3. The written report of the investigation herein provided for shall be filed in the office of the state controller, and a copy of said report shall by the commission be forwarded to the secretary of the district for which the investigation shall have been made, and if said commission shall have found, as set out in said report, that the irrigation system of the district and the specific project for which the bonds under consideration are desired or have been used, whether such project be constructed, projected or partially completed, are feasible and that the aggregate amount of the bonds under consideration and any other outstanding bonds of said district, including bonds authorized but not sold, does not exceed sixty per centum of the aggregate market value of the lands within said district and of the water, water rights, canals, reservoir, reservoir sites, and irrigation works owned or to be acquired or constructed with the proceeds of any of said bonds by said district, the bonds of such irrigation district, as described and enumerated in said report filed with the state controller, shall be certified by the state controller, as hereinafter provided for. If the commission shall be notified by the board of directors of any district whose irrigation system has been found in such report to be feasible that the district has issued bonds and the commission shall find that said bonds are for any project or projects approved in such report and that the amount of said bonds does not exceed the limitation stated in such report, the commission shall prepare and file with the state controller a supplementary report giving the numbers, date or dates of issue and denominations of said bonds, which shall then be entitled to certification by the state controller as hereinafter provided for. Subsequent issues of bonds may be made available for the purposes specified in this act upon like proceedings by said district, but, after any of the bonds of an irrigation district have been enumerated and described as entitled to certification by the state controller as herein provided for, it shall be unlawful for that district to issue bonds that will not be entitled to

Report filed with controller and secretary of district.

When entitled to controller's certificate.

Unlawful to issue bonds not entitled to certificate.

Control-
ler's record
of bonds
certified to.

such certification. It is hereby made the duty of the state controller to provide for filing and preserving the reports mentioned in this section and, also, to make, keep and preserve a record of the bonds certified by him in accordance with the provisions of section four of this act, including the date of certification, the legal title of the district, the number of each bond, its par value, the date of its issue and that of its maturity.

SEC. 4. Whenever any bond of an irrigation district organized and existing as aforesaid, including any bond authorized in any such district but not sold, which shall be eligible to certification by the state controller under section three of this act, shall be presented to the state controller, he shall cause to be attached thereto a certificate in substantially the following form:

Form of
certificate.

SACRAMENTO, CAL. (insert date).

I, _____, controller of the State of California, hereby certify that the within bond, No. ____ of issue No. ____ of the _____ irrigation district, issued _____ (insert date), is, in accordance with an act of the legislature of California approved _____, a legal investment for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, trust companies, the state school funds and any funds which may be invested in county, municipal or school district bonds, and it may be deposited as security for the performance of any act whenever the bonds of any county, city, city and county, or school district may be so deposited, it being entitled to such privileges by virtue of an examination by the state engineer, the attorney general and the superintendent of banks of the State of California in pursuance of said act. The within bond may also, according to the constitution of the State of California, be used as security for the deposit of public money in banks in said state.

Controller of State of California.

In case of a change in the constitution or any of the laws of this state relating to the bonds of irrigation districts, the state controller shall, if necessary, modify the above certificate so that it shall conform to the facts.

Commis-
sion
created.

SEC. 5. The attorney general, the state engineer and the superintendent of banks are hereby constituted the commission herein provided for, and said commission shall elect one of its members chairman and may employ such clerks and assistants as may be necessary for the performance of the duties herein imposed, and may fix the compensation to be paid to such clerks and assistants.

Expenses.

SEC. 6. All necessary expenses incurred in making the investigation and report in this act provided for shall be paid as the commission may require by the irrigation district whose property has been investigated and reported on by the said commission; *provided*, that the benefit of any services that may have been performed and any data that may have been obtained by any member of said commission or

any other public official in pursuance of the requirements of any law other than this act, shall be available for the use of the commission herein provided for without charge to the district whose affairs are under investigation.

SEC. 7. All bonds certified in accordance with the terms of this act shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may, by law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or municipalities in the State of California, such money or funds may be invested in the said bonds of irrigation districts, and whenever bonds of cities, cities and counties, counties, school districts or municipalities may by any law now or hereafter enacted be used as security for the performance of any act, bonds of irrigation districts under the limitations in this act provided may be so used. This act is intended to be and shall be considered the latest enactment upon the matters herein contained, and any and all acts in conflict with the provisions hereof are hereby repealed.

Bonds certified legal investments for trust funds, etc.

CHAPTER 367.

An act to amend an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending section seventy-eight thereof, relating to the exclusion of lands from such districts.

[Approved June 13, 1913. In effect August 10, 1913.]

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

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

Section 78. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the board deem it not for the best interests of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district,

Exclusion of lands from irrigation districts.

Duty to exclude lands not susceptible of irrigation, etc.

Land irrigated by pumping.

and if no person interested in the district show cause in writing why the said lands, or some portion thereof, should not be excluded from the district. or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district; *provided*, that it shall be the duty of said board to so order, upon petition therefor as aforesaid, that all lands so petitioned to be excluded from said district shall be excluded therefrom, which can not be irrigated from, or which are not susceptible to, or would not, by reason of being permanently devoted to uses other than agricultural, horticultural, viticultural or grazing, be directly benefited by, the actual irrigation of same from a common source or by the same system of works with the other lands of said district, or from the source selected, chosen, or provided, or the system adopted for the irrigation of the lands in said district, or which are already irrigated, or entitled to be irrigated, from another source or by another system of irrigation works; *provided*, that no land irrigated by means of water pumped from an underground source or sources shall be entitled to exclusion from any irrigation district on account of being so irrigated, if it shall be shown that such land is or will be substantially benefited by subirrigation from the works of said district or by drainage works provided or required by law to be provided by said district. but no owner of land in any irrigation district shall be required to pay any assessment, except for the payment of interest and principal due on bonds of the district, on any land in such district which, when the district was organized, was irrigated by means of water pumped from an underground source or sources and has continued each year to be irrigated exclusively by such means.

CHAPTER 368.

An act providing for the establishment and maintenance of a telephone system in mines and prescribing a penalty for the violation thereof.

[Approved June 13, 1913. In effect August 10, 1913.]

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

Telephone systems in mines over 500 feet deep.

SECTION 1. In all mines operated and worked in this state where a depth of more than five hundred feet underground has been reached, a telephone system must be established, equipped and maintained by the owners or lessees thereof with stations at each working level below the depth aforesaid, communicating with a station thereof on the surface of any such mine.

Penalty.

SEC. 2. The failure or refusal of any owner or lessee to install or maintain such telephone system shall be deemed guilty of misdemeanor and punished accordingly.

CHAPTER 369.

An act to prevent the introduction of rabies or other animal diseases dangerous to human beings, into portions of the state not infected; to control the spread of such diseases after introduction; and authorizing the state board of health to make rules and regulations therefor.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. Whenever any case or cases of rabies, or other animal diseases dangerous to the health of human beings which may be declared by the state board of health as coming under the provisions of this act, shall be reported as existing in any county, city and county, or incorporated city or town in the State of California, the state board of health shall make, or cause to be made a preliminary investigation as to whether such disease does exist, and as to the probable area of the state in which the population or animals are thereby endangered. If upon such examination the state board of health shall find that any of the said diseases does exist, a quarantine shall be declared against all such animals as may be designated in the quarantine order, and living within the area specified in said order. Quarantine shall be defined for the purposes of this act as meaning the strict confinement, upon the private premises of the owners under restraint by leash or closed cage or paddock, of all animals specified by the order.

Quarantine of districts infected with rabies.

Quarantine defined.

SEC. 2. Following the order of quarantine the state board of health shall make or cause to be made a thorough investigation as to the extent of the disease, the probable number of persons and animals exposed, and the area found to be involved; and may substitute for the quarantine order such regulations as may be deemed adequate for the control of the disease in each area.

Board of health to investigate extent of disease.

SEC. 3. It shall be the duty of all peace officers and boards of health to carry out the provisions of this act. During the period for which any quarantine order is in force all officers are empowered to kill or in their discretion to capture and hold for further action by the state board of health or its representatives, all animals in a quarantine area, found on public highways, lands and streets, or not held in restraint on private premises as specified in this act.

Enforcement of act.

SEC. 4. All proper officials within the meaning of this act are hereby authorized to examine and enter upon all private premises for the enforcement of this act.

Officers may enter private premises.

SEC. 5. Any owner, or other person in the possession of any animal then being held or maintained in violation of the provisions of this act, shall be subject to arrest on the charge of committing a misdemeanor.

Owners violating subject to arrest.

SEC. 6. For the purpose of providing funds to pay the expenses incurred in connection with the eradication of diseases

Rabies treatment fund created.

included under this act, a special fund, to be known as the rabies treatment and eradication fund, is hereby created for each county, city and county, or incorporated city or town in the State of California. All moneys collected in accordance with the following procedure shall be deposited to the credit of this fund with the treasurer of the county, city and county, or incorporated city or town; *provided*, that funds now collected from any dog tax may continue to be collected and used for other purposes specified by local ordinances.

Special
dog tax.

(a) Upon the determination by the state board of health that rabies does exist in any county, city and county, or incorporated city or town, a special dog license tax shall immediately become effective, unless a dog tax is already in force the funds from which are available for the payment of expenditures in accordance with the provisions of this act. This tax shall be levied as follows: An annual tax of one dollar and fifty cents for each male, two dollars and fifty cents for each female, and one dollar and fifty cents for each neuter dog, the same to be collected by the proper authority at the same time and in the same manner as other taxes are collected; *provided, however*, that there shall be collected at the first collection such proportion of the annual tax as corresponds to the number of months the tax has been in operation plus one year advance payment. After this dog license tax has been established in a county, city and county, or incorporated city or town, it shall be continued in force until an order has been issued by the state board of health declaring that county, or such portion of that county as may be deemed advisable, to be free from rabies or further danger of its spread.

One half
of fines to
credit of
fund.

(b) One half of all fines collected by any court or judge for violations of the provisions of this act shall be placed to the credit of the rabies treatment and eradication fund of the county, city and county, incorporated city or town in which the violation occurred.

Special
measures
of control.

SEC. 7. Whenever it becomes necessary in the judgment of the state board of health or its secretary, to enforce the provisions of this act in any county, city and county, or incorporated city or town, the said board or its secretary may institute special measures of control to supplement the efforts of the local authorities in any county, city and county, or incorporated city or town whose duties are specified in this act. All expenditures incurred in enforcing such special measures shall be proper charges against the special fund created by the provisions of this act, and shall be paid as they accrue by the proper authorities of each county, city and county, or incorporated city or town in which they have been incurred; *provided*, that all such expenditures which may be incurred after the issuance of the order establishing the said fund and before the first collection of the tax, shall be paid as they accrue from the general fund of the county, city and county, or incorporated city and town; *and, provided, further*, that all expend-

Expendi-
tures.

itures in excess of the balance of money in this fund shall likewise be paid as they accrue from said general fund. All moneys thus expended from the general fund shall be repaid from the said special fund when the collections from said tax have been provided the money.

CHAPTER 370.

An act to provide for the formation, management and dissolution of county irrigation districts; for supplying the inhabitants thereof with water; for levying and collecting taxes on property in such districts; and for the issuance of county irrigation district bonds and the payment thereof.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. Any portion of a county containing unincorporated territory, or containing the whole or any portion of one or more incorporated cities and contiguous unincorporated territory, and not included in a county irrigation district, may be formed into county irrigation district, and provision made for the purpose of supplying the inhabitants of such district with water, in the manner and under the proceedings hereinafter described. Formation of county irrigation districts.

SEC. 2. A petition for the formation of such county irrigation district may be presented to the board of supervisors of the county in which the proposed district is located, which petition shall be signed by not less than fifty freeholders, resident within the proposed district, and shall contain: Petition.

(1) The name and boundaries of the proposed county irrigation district to be benefited by the said improvement. Name.

(2) A general description of the improvement desired for the purpose of supplying the inhabitants of such district with water, and which may embrace any or all of the following: the acquisition, construction, installation, completion, extension, repair or maintenance of water works, structures and appliances, and the acquisition, by purchase, condemnation, contract, lease, or otherwise, of lands, rights of way, water, water rights and water service, necessary or convenient for such purpose. Description of improvements.

(3) An estimate of the cost of the proposed improvement and of the incidental expenses in connection therewith. Cost.

(4) A request that an election be called in said district for the purpose of submitting to the qualified voters thereof the proposition of forming such district and incurring indebtedness by the issuance of bonds of such district to pay the cost and expenses of the proposed improvement. Such petition must be accompanied by a map showing the exterior boundaries of the proposed district, with relation to the territory immedi- Request for election.
Map.

- ately contiguous thereto, and plans and specifications of the proposed improvement. There shall also be filed with said petition a good and sufficient undertaking, to be approved by the board of supervisors, in double the amount of the probable cost of forming such district, conditioned that the sureties shall pay said cost, in case the formation of such district shall not be effected.
- Under-taking.**
- Hearing on petition.** SEC. 3. Such petition must be presented at a regular meeting of said board of supervisors, and the board shall thereupon fix a time for hearing the same, and protests of interested parties, not less than twenty-one nor more than thirty days after the date of presentation thereof. The clerk of the board shall thereupon cause notices of the filing and hearing of such petition to be posted in three of the most public places in said district. Said notice shall be headed "Notice of the Formation of-----County Irrigation District No.-----" (stating name of county in which the district is located and the number of the proposed district) in letters not less than one inch in length, and shall, in legible characters, state the fact and date of the filing of such petition, the date and hour set for hearing such petition and protests, briefly describe the proposed improvement, specify the exterior boundaries of the district to be benefited by such improvement and to be taxed to provide for such improvement, and refer to said petition, map and plans and specifications for further particulars. The said clerk shall also cause a notice, similar in substance, to be published at least once a week for two consecutive weeks in a newspaper of general circulation printed and published in the county in which the proposed district is located, and designated by said board for that purpose. Said notice must be posted and published, as above provided, at least ten days before the date set for the hearing of said petition.
- Notice.**
- Publieation.**
- Written protests.** SEC. 4. Any person interested, objecting to the formation of said district, or to the extent of said district, or to the proposed improvement, or to the inclusion of his property in said district, may file a written protest, setting forth such objections, with the clerk of said board at or before the time set for the hearing of said petition. The clerk of said board shall endorse on each such protest the date of its reception by him, and, at the time appointed for the hearing above provided for, shall present to said board all protests so filed with him. Said board shall hear said petition and protests at the time appointed, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision thereon shall be final and conclusive. If any of such protests be against the formation of said district, or against the proposed improvement, and be sustained, no further proceedings shall be had or taken pursuant to said petition, but a new petition for the same or a similar purpose may be filed at any time. If any of such protests be against the extent of said district, or against the inclusion of property in said district, then the board shall have power to make such changes in the boundaries of the proposed
- Protests sustained.**
- Changes in boundaries.**

district as it shall find to be proper and advisable, and shall define and establish such boundaries, but said board shall not modify such boundaries so as to exclude from such proposed district any territory which will be benefited by said improvement, nor shall any territory which will not, in the judgment of said board be benefited by said improvement be included within such proposed district.

Notice of intention to modify boundaries.

Neither shall said board modify such boundaries except after notice of its intention so to do, given by one insertion in a newspaper of general circulation printed and published in said county and designated by said board for that purpose, describing the proposed modification, and specifying a time for hearing objections to such modification, which time shall be at least ten days after the publication of said notice. Written objections to such proposed modification may be filed with the clerk of said board by any interested person at or before the time set for hearing the same. Said board shall hear and pass upon such objections at the time appointed, or at any time to which the hearing thereof may be adjourned, and its decision thereon shall be final and conclusive. If such objections or any of them, be sustained, no further proceedings pursuant to such petition shall be taken, but a new petition for the same or a similar purpose may be filed at any time.

At the expiration of the time within which protests may be filed, if none be filed, or if protests be filed and, after hearing be denied, or at the expiration of the time within which objections to the modification of the boundaries of the district, in case such modification be proposed, may be filed, if none be filed, or if such objections be filed and, after hearing, be overruled, as above provided, then said board shall be deemed to have acquired jurisdiction to further proceed in accordance with the provisions of this act.

Jurisdiction deemed required.

SEC. 5. The board of supervisors shall, by ordinance or resolution adopted at a regular or special meeting thereof after having acquired jurisdiction to proceed, as provided above, provide for and order the holding of a special election in such proposed county irrigation district and the submission to the qualified voters thereof, of the proposition of forming such district and incurring a debt by the issuance of bonds of such district for the purposes set forth in said petition. The ordinance or resolution calling such special election shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the estimated cost of the proposed improvement, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, the manner of holding the same, and the manner of voting for or against said proposition. The maximum rate of interest to be paid on such indebtedness shall be eight per centum per annum, payable semiannually.

Resolution calling special election.

Maximum rate of interest.

Sec. 6. For the purposes of said election, the board of supervisors shall, in said ordinance or resolution, establish one

Precincts,
polling
places,
election
officers,
etc.

or more precincts within the boundaries of the said county irrigation district, designate a polling place, and appoint one inspector, one judge and one clerk for each such precinct. In all particulars not recited in such ordinance or resolution, such election shall be held as provided by law for holding general elections in such county. Said ordinance or resolution ordering the holding of said election shall, prior to the date set for such election, be published five times in a daily, or twice in a weekly or semi-weekly newspaper of general circulation printed and published in said county and designated by said board of supervisors for said purpose, and shall be posted in three of the most public places in said county irrigation district at least ten days prior to the date set for such election. No other notice of such election need be given. If at such election a majority of the votes cast are in favor of the formation of such district and the incurring of such bonded indebtedness, then the board of supervisors shall enter an order to that effect upon its minutes, declaring said district formed, and said board shall thereupon be authorized and empowered to issue the bonds of said district for the amount provided for in such proceedings, payable out of funds of such district to be provided as in this act prescribed.

Publi-
cation
of
ordinance.

Form of
bonds,
coupons,
etc.

SEC. 7. The board of supervisors, by an order entered upon its minutes, shall, subject to the provisions of this act, prescribe the form of said bonds and of the interest coupons attached thereto. Said bonds shall be payable in the following manner: a part to be determined by said board, and which shall not be less than one fortieth part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place, to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date, until the whole of said indebtedness shall have been paid; *provided, however*, that the board of supervisors may, in its discretion, determine and fix a date for the earliest maturity of the principal of such bonds not more than ten years from the date of the issue of such bonds, but, in this event, the whole amount of such indebtedness must be made payable in equal annual parts in not to exceed forty years from the time of contracting the same. The bonds shall be issued in such denominations as the board of supervisors may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day and at the place fixed in such bonds and with interest at the rate specified in such bonds, which rate shall not be in excess of eight per cent per annum and shall be payable semiannually, and said bonds shall be signed by the chairman of the board of supervisors and countersigned by the auditor of said county, and the seal of said county shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of said county by his engraved or lithographed signature. In case any such officers whose signatures or

Date of
maturity.

Denomina-
tions.

Validity of
signatures.

countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall, nevertheless, be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of the bonds.

SEC. 8. The board of supervisors may issue and sell the bonds of such district, authorized as hereinabove provided, at not less than par value, and the proceeds of the sale of such bonds shall be placed in the county treasury to the credit of the proper county irrigation district fund and shall be applied exclusively to the purposes and objects mentioned in the ordinance or resolution ordering the holding of the bond election, as aforesaid.

Sale and disposition of proceeds.

SEC. 9. The board of supervisors shall levy a tax, each year, upon the taxable property in such county irrigation district, sufficient to pay the interest on said bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy; *provided, however,* that if the maturity of the indebtedness created by the issue of such bonds be made to begin more than one year after the date of such issue, such tax shall be levied and collected at the time and in the manner aforesaid each year, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. Such tax shall be levied and collected at the time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the county treasury and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer in the manner provided by law for the payment of principal and interest on bonds of such county.

Tax to pay interest and principal.

SEC. 10. The board of supervisors of any county wherein a county irrigation district has been formed under the provisions of this act, shall have the power, in any year after the establishment of such district, to levy a tax upon the taxable property in such district sufficient to pay the cost and expenses of maintaining, operating, extending and repairing the water-works of said district for the ensuing fiscal year, and said tax shall be levied and collected at the time and in the same manner as the general tax levy for county purposes, and the revenue derived from said tax shall be paid into the county treasury to the credit of the proper fund of said district, and said board shall have the power to control and order the expenditure thereof for said purpose.

Tax for maintenance of district.

SEC. 11. All contracts for furnishing the labor, materials or supplies required for any improvement mentioned in this act, shall be let to the lowest responsible bidder. The board of supervisors of the county shall advertise for two or more days in a newspaper of general circulation, printed and published in such county, inviting sealed proposals for furnishing the

Contracts to lowest bidder.

Power to make improvements.

labor, materials and supplies for the proposed improvement before any contract shall be made therefor. The board shall have the right to require such bonds as it may deem best from the successful bidder, to insure the faithful performance of the contract, and shall also have the right to reject any and all bids; *provided, however*, that nothing herein contained shall be construed as prohibiting such county itself, and, when ordered by the board of supervisors thereof, it shall have power to make the proposed improvement without a contractor therefor, and to purchase the materials and supplies, and employ the labor necessary for such purpose; *and provided, further*, that any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the plans and specifications thereof provided for in section two hereof. Any improvement provided for in this act may be located, constructed and maintained in, along or across any public road or highway in the county, in such manner as to afford security for life and property; but the board of supervisors of the county shall restore, or cause to be restored, such road or highway to its former state, as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness.

Improvements along public roads.

Rules of administration for district.

SEC. 12. The board of supervisors of any county wherein any such county irrigation district is situated, shall have power to make and enforce all rules and regulations necessary for the administration and government of such district, and for the use and operation of the water works thereof; to appoint or employ all needful agents, superintendents and engineers to properly look after the performance of any work provided for in this act: and to perform all other acts necessary or proper to accomplish the purposes of this act.

Engineers.

Title in county.

SEC. 13. The title to all property which may have been acquired for a county irrigation district, created under the provisions of this act, shall be vested in the county wherein such county irrigation district is located; *provided*, that whenever all of the territory in such county irrigation district shall be annexed to, or otherwise included within, any municipal corporation owning works for supplying the inhabitants thereof with water, then such county irrigation district shall be deemed dissolved and such property shall thereupon become the property of such municipal corporation and shall become a part of, and be used in connection with, such water works; and such municipal corporation and the proper officers thereof shall, as to such property, and as to the levy and collection of taxes to meet the payments of principal and interest on outstanding bonds of such district, have and exercise the powers and perform the duties vested in and imposed upon the said county, and the board of supervisors and other officers thereof, prior to such annexation or inclusion. All money in the county treasury to the credit of any fund of such county irrigation district shall, upon the annexation or inclusion of such territory, as above provided, be forthwith

In case of annexation to city.

transferred to the treasury of said municipal corporation and be used for the purposes for which the same was available prior to such transfer and none other.

SEC. 14. Any such county irrigation district may, except as otherwise provided in this act, be dissolved by the board of supervisors as hereinafter provided. Upon receiving a petition signed by fifty or more freeholders and residents of such county irrigation district, requesting the dissolution of such district, the board of supervisors shall fix a time for hearing such petition, which shall be not less than ten nor more than thirty days after the receipt of such petition, and shall, at least five days prior to the time so fixed, publish notice of such hearing by one insertion in a daily, weekly or semi-weekly newspaper printed, published and circulated in said county. At the time appointed for such hearing, or at any time to which the same may be adjourned, the board of supervisors shall hear and pass upon such petition and may grant or deny the same, and its decision thereon shall be final and conclusive. If such petition be granted the board of supervisors shall, by ordinance or resolution, order the dissolution of said district, and such district shall thereby be dissolved; *provided*, that if at the time of the dissolution of said district there be any outstanding bonded or other indebtedness of such district, then taxes for the payment of such bonded or other indebtedness shall be levied and collected the same as if such district had not been dissolved.

Method of dissolution.

Outstanding bonds.

SEC. 15. This act shall not affect any other act or acts relating to the same or a similar subject, but is intended to provide an alternative method of procedure governing the subject to which it relates. When proceeding under the provisions of this act its provisions and none other shall apply.

Alternative method provided.

SEC. 16. The provisions of this act shall be liberally construed to effect the purposes thereof.

CHAPTER 371.

An act to amend section 2853 of the Political Code of the State of California relating to ferries by adding a provision thereto relating to employers and employees.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 2853 of the Political Code is hereby amended to read as follows:

Section 2853. No toll-bridge or ferry must be established within one mile immediately above or below a regularly established ferry or toll-bridge, unless the situation of a town or village, the crossing of a public highway, or the intersection of some creek or ravine renders it necessary for public convenience; *provided, however*, that notwithstanding the grant or

No toll-bridge or ferry within one mile of one already established, except employees may transport themselves.

existence of such ferry franchise any employer may transport his or its own employes to and from their places of labor by means of boats owned or operated by such employers; and similarly all or any number less than all of the employes of the same employer may co-operatively or otherwise transport themselves to and from their places of labor in boats owned or operated in severalty or in common by them. But such transportation whether such boats be operated by the employer or the employes shall not be conducted for profit. In addition to the public notice hereinafter required, notice of intention to apply for authority to erect a toll-bridge or ferry, as in this section provided, must be served upon the proprietor of the ferry or toll-bridge already established at least ten days prior thereto, giving the time and place and grounds of such application.

CHAPTER 372.

An act to amend section seventeen hundred ninety-one of the Political Code of the State of California, relative to the general powers of the boards of examination of cities and counties.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. Section seventeen hundred ninety-one of the Political Code of the State of California is hereby amended so as to read as follows:

1791. Each city, or city and county, board of examination has power:

First—To adopt rules and regulations, not inconsistent with the laws of this state, for its own government and for the examination of teachers.

Second—To examine applicants, and to prescribe a standard of proficiency which may entitle the person examined to receive: (a) A city, or city and county, grammar school certificate, valid for six years, authorizing the holder to teach any primary or grammar school class in such city, or city and county; (b) a city, or city and county, special certificate, valid for six years, authorizing the holder to teach such special subjects in any school of the city, or city and county, and in such grades as are designated in such certificate. Applicants for special certificates by examination or any credentials, or by both, shall satisfy the board of their special fitness to teach one or more of the particular studies for which special certificates may be granted; and shall satisfy the board of their proficiency in English grammar, orthography, defining and methods of teaching. No special certificates shall be granted to teach in any school studies other than drawing, music, physical culture and commercial, technical or industrial work; *provided, however,* the board may grant such special certifi-

Powers of
boards of
examina-
tion for
teachers.

Applicants
for special
certificates.

cates as will authorize the holders thereof to teach one or more of the languages taught in cosmopolitan schools, said special certificates to entitle said holders to teach only in such cosmopolitan schools. Applicants for such special certificates shall satisfy the board of their special fitness to teach such language or languages, and their proficiency in English grammar, orthography, defining and methods of teaching. The board of examination shall report the result of the examination to the city, or city and county, board of education; and said board of education shall thereupon issue to the successful applicants the certificates to which they shall be entitled.

Third—For immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, to recommend to the city, or city and county, board of education, the revocation of any certificates previously granted by said board of education in such city, or city and county.

Recom-
mend-
revo-
cation of
certificates
for unpro-
fessional
conduct.

CHAPTER 373.

An act to prevent the supply of water dangerous to health for domestic purposes and to provide for the installation of sanitary water systems.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. It shall be unlawful for any person, firm, corporation, public utility, municipality or other public body, institution, or corporation to furnish or supply or to continue to furnish or supply for domestic uses or purposes water which is polluted or dangerous to health, to any person in any county, city and county, municipal corporation, village, district, community, hotel, temporary or permanent resort, institution or industrial camp.

Unlawful
for public
utility to
supply
polluted
water.

SEC. 2. Whenever any person, firm, corporation, public utility, municipality or other public body, institution, or corporation shall desire to furnish or supply or continue to furnish or supply water for domestic uses or purposes to any person in any county, city and county, municipal corporation, village, district, community, hotel, temporary or permanent resort, institution or industrial camp, it or he shall file as herein provided with the state board of health a petition for permission so to do, together with a statement containing a general description and history of the existing or proposed water supply system or distribution showing the geographical location thereof with relation to the source of the water supply and all the sanitary and health conditions surrounding and affecting said supply and the works, system, plant and distributing system, such general statement to be in such form and to cover such matters as the state board shall

Petition to
board of
health for
permission
to supply
water.

prescribe. Thereupon a thorough investigation of the proposed or existing works, system, plant, water supply and all other circumstances and conditions by it deemed to be material may be made under the direction of the state board of health; *provided*, that if such investigation is decided upon and for any reason the board can not immediately proceed with such investigation, a temporary permit shall be issued to the petitioner which shall continue in force until the final action is taken by the board upon the completion of the investigation herein specified; *and provided, further*, that no person, firm or corporation supplying water for domestic purposes or use on his or its private property upon which there is no industrial camp, hotel, temporary or permanent resort using said water, or supplying less than two hundred service connections, shall be required to apply for a permit under the provisions of this section, except upon formal complaint filed with the state board of health by a person receiving such water or by some duly authorized public officer.

Temporary permit.

No permit needed for private supply.

Hearing.

As a part of such investigation, and after ten days' notice by mail to the petitioner, a hearing or hearings may be had before said board or an examiner appointed by it for the purpose. At such hearing or hearings witnesses who testify shall be sworn by the person conducting the hearing, and evidence, oral and documentary, may be received, a record of which shall be made and filed with said board. All of the expenses of such investigation, including hearings, excepting the compensation of state officers participating therein, shall be borne, and paid as they accrue, by the petitioner. Upon the completion of such investigation, *said board*:

EXPENSES.

Petition denied when water is menace to health.

(a) If it shall determine, as a fact, that the water being furnished or to be furnished or supplied is such that under all the circumstances and conditions it is or may constitute a menace or danger to the health or lives of human beings, or that under all the circumstances and conditions the existing or proposed works, system, plant or water supply is unhealthful or unsanitary, it shall deny the prayer of such petition; *provided, however*, that in case such petition shall be for permission to continue to furnish or supply water from a water system permanently constructed, established and operating prior to the passage of this act, *said board* may grant the petitioner a temporary and revocable permit, authorizing the continuance of the water supply, under such restrictions and conditions as in said permit may be specified, to enable the petitioner to appoint an expert or commission to investigate and report on the best method of water supply, and to construct and put into operation a new or altered system, plant, water supply or distributing system, or to so alter, add to, repair, or modify the operation of the existing water supply, plant, works or system that the water furnished or supplied shall not endanger the lives or health of human beings.

Temporary permit to continue supply.

Petition granted when water is pure

(b) If it shall determine, as a fact, that the water being furnished or supplied to such human beings is such, that under

all the circumstances and conditions, it does not endanger the lives or health of human beings and that under all the circumstances and conditions the water being supplied is the purest and most healthful obtainable or securable under all the circumstances and conditions, it shall grant to petitioner a permit authorizing petitioner to furnish or continue to furnish or supply such water to such human beings; *provided, however*, that all permits issued hereunder shall be revocable or subject to suspension by said board at any time that it shall determine, as a fact, that the water being supplied or furnished or intended to be supplied or furnished does or will endanger the lives or health of human beings. The state board of health and its inspectors shall at any and all reasonable times have full power and authority to, and shall be permitted to, enter into and upon any and all places, property, enclosures and structures for the purpose of making and therein or thereon to make examinations and investigations to determine whether any provision of this act is being violated. The holder of any permit granted by said board under the provisions of this act may at any time by order of said board be required to furnish to said board, upon demand, a complete report upon the condition and operation of the water supply, plant, works or system owned, operated or controlled by it, which report shall be made by some competent person designated for the purpose by said board, and at the sole cost and expense of the holder of the permit. Any person, firm, corporation, public utility, municipality or other public body, institution or corporation who shall furnish or supply or continue to furnish or supply water used or intended to be used for human consumption or for domestic purposes without having an unrevoked permit from the state board of health so to do, as in this act provided, may be enjoined from so doing by any court of competent jurisdiction, at the suit of any person or persons, firm, corporation, municipal or other public corporation whose supply of water for human consumption or for domestic purposes is taken, or received, from, or supplied or furnished by any such water furnishing or distributing person, firm, corporation, public utility or municipality or other public body, institution or corporation, or it or he may be enjoined at the suit of the state board of health in the same manner; *provided, further*, that any such person, firm, corporation, public utility, municipality or other body, institution or corporation subject to the provisions of this act may file such petition at any time prior to January 1, 1914, unless sooner required so to do by order of said state board of health. Anything done, maintained or suffered in violation of any of the provisions of this act shall be deemed to be a public nuisance dangerous to health and may be summarily abated in the manner provided by law and it shall be the duty of all and every public officer or officers, body or bodies lawfully empowered so to do to immediately abate the same.

Permits
revocable.

Power to
make ex-
aminations
granted.

Suit to
enjoin firm
supplying
impure
water.

Penalty.

CHAPTER 374.

An act to amend section 3 of an act entitled "An act for the preservation of the public health of the people of the State of California, and empowering the state board of health to enforce its provisions and providing penalties for the violation thereof," approved March 23, 1907, as amended April 1, 1911.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 3 of an act entitled "An act for the preservation of the public health of the people of the State of California, and empowering the state board of health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907, as amended April 1, 1911, is hereby amended to read as follows:

Section 3. Whenever any county, city and county, city, town, village, district, community, institution, person, firm or corporation, shall desire to deposit or discharge, or to continue to deposit or discharge into any stream, river, lake or tributary thereof, or into any other waters used or intended to be used for human or animal consumption or for domestic purposes, or into or upon any place the surface or subterranean drainage from which may run or percolate into any such stream, river, lake, tributary or other waters, any sewage, sewage effluent, or other substance by the terms of section 2 of this act forbidden so to be deposited or discharged, or whenever any such county, city and county, city, town, village, district, community, institution, person, firm or corporation shall desire to deposit or discharge, or continue to deposit or discharge any sewage, sewage effluent, trade wastes or any other animal, mineral or vegetable matter or substance, offensive, injurious or dangerous to health in any of the salt waters within the jurisdiction of this state, which is or shall be a menace to public health, he or it shall file with the state board of health a petition for permission so to do, together with a complete and detailed plan, description and history of the existing or proposed works or system, and purification plant, showing geographical location with relation to such stream, river, lake, tributary or other waters, and a physical and bacteriological analysis of the substance or substances so to be deposited or discharged. Thereupon, a thorough investigation of the proposed or existing works, system and plant, and all circumstances and conditions by it deemed to be material, shall be made under the direction of the state board of health. As a part of such investigation, and after ten days' notice by mail to the petitioner, a hearing or hearings may be had before said board or an examiner appointed by it for the purpose. At such hearing or hearings witnesses who testify shall be sworn by the person conducting the hearing, and evidence, oral and documentary, may be received, a record of which shall be made and filed with said board. All of the expenses of such investigation, including hearings, excepting the compensation of state

Cities
desiring to
discharge
sewage
into
streams,
etc., re-
quired to
petition
board of
health.

Plan of
works.

Hearing.

Expenses.

officers participating therein, shall be borne, and paid as they accrue, by the petitioner. Upon the completion of such investigation, said board

(a) If it shall determine as a fact that the substance being or to be discharged or deposited is such that under all the circumstances and conditions it will so contaminate or pollute such stream, river, lake, tributary or other waters, as to endanger the lives or health of human beings or animals, or does or will constitute a menace to public health, or that under all the circumstances and conditions it is not necessary so to dispose of such substance, shall deny the prayer of such petition: *provided, however*, that in case such petition shall be for permission to continue to discharge sewage, sewage effluent, storm water, or other matter mentioned in this section from a sewer, storm water or other system permanently constructed, established and operating, prior to the passage of this act, said board may grant to petitioner a temporary and revocable permit, authorizing the continuance of such discharge, under such restrictions as in said permit may be specified, to enable petitioner to appoint a commission to investigate and report on the best method of disposal of sewage or other matter mentioned in this section, and petitioner to construct and put into operation a new or altered system discharging elsewhere, or so to alter, add to, repair or modify the operation of the existing system that the substance discharged or deposited shall not be such as to cause a contamination or pollution that will endanger the lives or health of human beings or animals, or constitute a menace to public health.

Petition denied when discharge would endanger public health.

Temporary permit to continue.

(b) If it shall determine, as a fact, that the substance being or to be discharged or deposited, is not such that under all the circumstances and conditions it will so contaminate or pollute such stream, river, lake, tributary or other waters, as to endanger the lives or health of human beings or animals, or constitute a menace to public health, and that under all the circumstances and conditions it is necessary so to dispose of such substance, shall grant to petitioner a permit authorizing petitioner so to deposit or discharge or to continue to deposit or discharge such substance; *provided, however*, that such permit shall not be construed to permit any act forbidden by any provision of the laws of this state relative to the preservation or propagation of fish or game, or relative to the deposit of débris into the streams of the state, or relative to the obstruction of navigation; and *provided, further*, that all permits issued hereunder shall be revocable by said board at any time or subject to suspension if said board shall determine, as a fact, that the substance discharged or deposited by virtue thereof causes a contamination or pollution that endangers the lives or health of human beings or animals, or constitutes a menace to public health. The state board of health and its inspectors shall at any and all times have full power and authority to, and shall be permitted to, enter into and upon any and all places, enclosures and structures for the purpose of making, and therein or

Petition granted when discharge would not endanger public health.

Not permit to do forbidden acts.

Permits revocable.

Power to make investigations.

Report on
works, etc.

thereon to make, examinations and investigations to determine whether any provision of this act is being violated. Whenever any petitioner shall be granted any permit by said board and under the provisions of this act, such petitioner, shall furnish to said board upon demand, a complete report upon the condition and operation, of the system, plant, or works, which report shall be made by some competent person designated for the purpose by said board, and at the sole cost and expense of the holder of the permit.

Suit to
enjoin the
discharge
of sewage
into
streams.

Any county, city and county, city, town, village, district, community, institution, person, firm or corporation, who shall deposit, discharge or continue to deposit or discharge, into any stream, river, lake, or tributary thereof, or into any other waters, used or intended to be used for human or animal consumption or for domestic purposes, or into or upon any place the surface or subterranean drainage from which may run or percolate into any such stream, river, lake, tributary or other waters, or into any of the salt waters within the jurisdiction of this state, any sewage, sewage effluent or other substance by the terms of section 2 of this act forbidden so to be deposited or discharged, without having an unrevoked permit so to do, as in this act provided, may be enjoined from so doing by any court of competent jurisdiction at the suit of any person or municipal corporation whose supply of water for human or animal consumption or for domestic purposes is taken from such stream, river, or other running water at a point below the place of such discharge or deposit, or from such lake, or at the suit of the State of California, or at the suit of any municipality, community, county, or city and county, any of the residents of which shall take water from such stream, river or other running water at a point below the place of such discharge or deposit, or from such lake or reservoir, or whose health shall be menaced by such discharge, or at the suit of the state board of health.

Public
nuisance.

Anything done, maintained, or suffered, in violation of any of the provisions of section 2 or section 3 of this act shall be deemed to be a public nuisance dangerous to health and may be summarily abated as such.

CHAPTER 375.

An act to amend section sixteen hundred sixty-five a of the Political Code of the State of California relating to the establishment and maintenance of cosmopolitan schools in cities of the first, first and one half, second, and second and one half classes.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1665a is hereby amended to read as follows:

1665a. The board of education in every city of the first and first and one half classes shall establish and maintain in each of said cities of the first and first and one half classes at least one public school in which shall be taught the French, Spanish, Italian and German languages or any of them in connection with the studies in the English language prescribed to be taught by section 1665 of the Political Code of the State of California. Such schools shall be designated as cosmopolitan schools, and shall be subject to such rules and regulations as may be prescribed by said boards of education of said cities of the first and first and one half classes wherein said school or schools shall be established and maintained; *provided*, that the schools provided for in section 1665a may be established by the board of education of any city or city and county when by such board it may be deemed necessary or advisable.

Establishment of cosmopolitan schools.

SEC. 2. All acts and parts of acts so far as they are in conflict with the provisions of this act, are hereby repealed.

CHAPTER 376.

An act to amend section 1543 of the Political Code of the State of California relating to the duties of the superintendent of schools of each county.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1543 of the Political Code of the State of California is hereby amended to read as follows:

1543. It is the duty of the superintendent of schools of each county:

Duties of county superintendents of schools.

First—To superintend the schools of his county.

Second—1. To apportion the school moneys to each school district as provided in section one thousand eight hundred and fifty-eight of this code, at least four times a year. For this purpose he may require of the county auditor a report of the amount of all school moneys on hand to the credit of the several school funds of the county not already apportioned; and it is hereby made the duty of the auditor to furnish such report when so required; and whenever an excess of money has accumulated to the credit of a school district beyond a reasonable amount necessary to maintain a school for eight months in such district for the year, the superintendent of schools shall place said excess of money to the credit of the unapportioned school funds of the county, and shall apportion the same as other school funds are apportioned.

Apportion school moneys.

2. If in any school district there has been an average daily attendance of only five or a number of pupils less than five during the whole school year, the superintendent shall, after giving due notice to all parties interested by sending notices

Report districts having less than five pupils in daily attendance.

by registered mail to each of the trustees, or, by causing notices to be posted in three public places in the district, one of which shall be at the door of the schoolhouse, for not less than ten days, report the fact to the board of supervisors at their first meeting in August. The board of supervisors shall investigate the matter, and, if in its judgment it would be better to temporarily suspend the school district they shall immediately so suspend it. If the board of supervisors find that there are other school facilities or that there is no reasonable chance to re-establish the district they shall declare the district lapsed, and shall attach the territory thereof to one or more of the adjoining districts in such manner as may be by them considered most convenient for the residents of said lapsed district.

District
lapsed.

3. At the meeting of the board of supervisors in the months of July, August, or September, the board of supervisors may re-establish a suspended school district upon proper showing of the people or board of school trustees of the district that there are eight or more pupils of the district ready to attend school.

Re-es-
tablish-
ment
of sus-
pended
district.

4. After a district has been suspended, the county superintendent shall at the time of making the apportionment of school moneys as provided in section 1858 of the Political Code, set aside for such suspended district, the sum of five hundred and fifty dollars. This amount, with any unexpended balance to the credit of the district, shall be held for the use of the suspended district, in case it should be re-established, and so much of it as may be needed to keep the property of the suspended district insured, and to pay the census marshal, may be expended by the trustees in the same manner as if the district were not suspended. But no subsequent apportionment shall be made to a suspended district, until it is re-established as provided in subdivision three of this section.

\$500 set
aside for
suspended
district.

5. Trustees shall be elected or appointed in suspended districts just as if they were not suspended.

Trustees
elected.

6. The superintendent may at any time in the month of July of any year give notice as provided in subdivision two of this section, to any suspended district which has not maintained school during the year past, and at the first meeting of the board of supervisors in August ask that such district be declared lapsed.

Notice to
declare
district
lapsed.

7. A suspended district may be merged with one or more adjoining districts whenever a petition signed by the majority of heads of families residing in each of said districts shall be presented to the board of supervisors. Such petition must be filed with the county superintendent and by him presented to the board of supervisors with such suggestions as he thinks best.

Suspended
district
may be
merged
with
adjoining
district.

8. When any district has been declared lapsed, the board of supervisors shall sell or otherwise dispose of the property thereto belonging, and shall place the proceeds of such sale to

Winding
up affairs
of lapsed
district.

the credit of the district. Thereupon the superintendent shall determine all outstanding indebtedness of said lapsed district, and shall draw his requisition upon the county auditor in payment thereof. Any balance of moneys remaining to the credit of said lapsed district after all indebtedness has been paid shall be transferred by the superintendent to the credit of the district into which the said lapsed district has been merged. If the lapsed district has been attached to more than one of the adjoining districts, the superintendent must apportion the moneys remaining to the credit of the lapsed district to the several districts pro rata according to the average daily attendance in the respective districts as shown by the teacher's report for the preceding school year. Should there not be sufficient funds to the credit of the lapsed district to liquidate all of the outstanding indebtedness thereof, the superintendent shall draw his requisition upon the county auditor pro rata for the several claims.

Third—On the order of the board of school trustees, or board of education of any city or town having a board of education, to draw his requisition upon the county auditor for all necessary expenses against the school fund of any district. The requisitions must be drawn in the order in which the orders therefor are filed in his office. Each requisition must specify the purpose for which it is drawn, but no requisition shall be drawn upon the order of the board of school trustees or board of education against the funds of any district except the teachers' or janitors' salaries, unless such order is accompanied by an itemized bill showing the separate items, and the price of each, in payment for which the order is drawn; nor shall any requisition for teachers' or janitors' salaries be drawn unless the order shall state the monthly salary of teacher or janitor, and name the months for which such salary is due. Upon the receipt of such requisition the auditor shall draw his warrant upon the county treasurer in favor of the parties for the amount stated in such requisition. The order of the board of school trustees, or board of education, shall be made only on the form of blank approved by the superintendent of public instruction; *provided*, that said blanks shall be printed and furnished to the school districts by the board of supervisors of the respective counties of the state, and when signed by at least two members of the board of trustees, or the officials authorized to sign orders for the board of education, shall be transmitted to the superintendent, who shall, in case he approve said demand, indorse upon it, "examined and approved," together with the number and date when approved, and shall, in attestation thereof, affix his signature thereto, and deliver the same to the claimant, or his order, who shall transmit the same to the auditor, who shall, in case he allows said demand, indorse upon it, "allowed," together with the number and date when allowed, and shall, in attestation thereof, affix his signature thereto, and

Draw requisition against district fund for expensus.

Blanks.

deliver the same to the claimant and make a proper record thereof and charge against the particular fund of the particular district against which such demand was allowed; and said demand when so approved and signed by the superintendent, and when so allowed and signed by the auditor, shall constitute the requisition on the auditor, and the warrant on the treasury within the meaning of this act.

Keep register of requisitions.

Fourth—To keep open to the inspection of the public a register of requisitions, showing the fund upon which the requisitions have been drawn, the number thereof, in whose favor, and for what purpose they were drawn, and also a receipt from the person to whom the requisition was delivered.

Visit schools.

Fifth—To visit and examine each school in his county at least once in each year. For every school not so visited the board of supervisors must, on proof thereof, deduct ten dollars from his salary.

Preside over institutes.

Sixth—To preside over teachers' institutes held in his county, and to secure the attendance thereof of lecturers competent to instruct in the art of teaching, and to report to the county board of education the names of all teachers in the county who fail to attend regularly the sessions of the institute; to enforce the course of study, the use of state text-books, and the rules and regulations for the examination of teachers prescribed by the proper authority.

Issue temporary certificates.

Seventh—He shall have power to issue temporary certificates of equivalent grades to persons holding valid secondary or high school, elementary or grammar school, kindergarten-primary and special certificates granted by county boards of education of California; or to persons who are graduates of colleges, normal schools, or universities and who hold valid certificates issued outside of California when, in the judgment of the superintendent, such certificates correspond in grade to any certificate which may be issued under the provisions of section seventeen hundred and seventy-five of the Political Code of California; which temporary certificate when issued between July first and December thirtieth shall expire on January first following; and when issued between January first and June twenty-ninth shall expire on July first following; *provided, further*, that he shall have power to issue temporary elementary certificates valid for two years to graduates of the University of California and to graduates of the Leland Stanford Junior University; *and provided, further*, that no person shall be entitled to receive a temporary certificate more than once in the same county.

Distribute laws.

Eighth—To distribute all laws, reports, circulars, instructions, and blanks which he may receive for the use of school officers.

Keep reports.

Ninth—To keep in his office the reports of the superintendent of public instruction.

Keep records.

Tenth—To keep a record of his official acts, and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants exam-

ined, which shall be open to the inspection of any applicant or his authorized agent.

Eleventh—Except in incorporated cities having boards of education, to pass upon and approve or reject all plans for schoolhouses. To enable him to do so, all boards of trustees, before adopting any plans for school buildings, must submit the same to the county superintendent for his approval. Pass upon school-house plans

Twelfth—To appoint trustees to fill all vacancies for the full term thereof; when new districts are organized to appoint trustees for the same, who shall hold office until the first day of May next succeeding their appointment. In case of the failure of the board of school trustees to appoint a clerk of the district on the proper date or in case of a vacancy in the position of clerk of the district, the superintendent shall appoint a member of the board of school trustees clerk of the district. In case of the failure of the trustees to employ a janitor, as provided in section sixteen hundred and seventeen, subdivision seventh, of this code, he shall appoint a janitor, who shall be paid out of the school fund of the district. Should the board of school trustees of any district fail or refuse to issue an order for the compensation of such service, the superintendent is hereby authorized to issue, without such order, his requisition upon the county school fund apportioned to such district. Fill vacancies.

Thirteenth—To make reports, when directed by the superintendent of public instruction, showing such matters relating to the public schools in his county as may be required of him. Make reports.

Fourteenth—To preserve carefully all reports of school officers and teachers, and, at the close of his official term, deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which will be filed in the office of the county clerk. Preserve reports of officers.

Fifteenth—The county superintendent shall, unless otherwise provided by law, in the month of July of each year grade each school, and a record thereof shall be made in a book to be kept by the county superintendent in his office for this purpose. And no teacher holding a certificate below the grade of said school shall be employed to teach the same. Grade schools.

Sixteenth—On the recommendation of the county superintendent of schools, boards of school trustees and city boards of education are hereby empowered to enter into contract with the national government to receive money from said national government for the Indian children in attendance in the schools under the jurisdiction of said boards, in addition to any money that may be appropriated for such schools by the state and the county. Any money received on such contract shall be transmitted to the county superintendent of schools to be by him paid into the county treasury to the credit of the county school fund of such school district. On the receipt of such money the superintendent shall notify the clerk of the board of school trustees of the receipt of the money. Recommend contracts with government for education of Indian children.

CHAPTER 377.

An act ratifying and confirming the proceeding heretofore taken by the board of trustees of the state normal school at Los Angeles and the Normal Site Company, a corporation, with reference to the sale by said board of trustees and the purchase by said company of the lands and buildings of the state normal school at Los Angeles.

[Approved June 13, 1913. In effect August 10, 1913.]

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

Proceedings of Los Angeles normal board in sale of land and buildings confirmed.

SECTION 1. All proceedings heretofore taken by the board of trustees of the state normal school at Los Angeles, relating to the sale of the lands and buildings of the state normal school at Los Angeles, under the authority of an act of the legislature, entitled "An act to authorize and empower the board of trustees of the state normal school at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school building," approved March 4, 1907, as amended April 10, 1911, and all proceedings heretofore taken by the Normal Site Company, a corporation organized and existing under the laws of this state, with reference to the purchase of said lands and buildings of the state normal school at Los Angeles at the purchase price of \$600,000.00 be and the same are hereby ratified and confirmed; and the said board of trustees of the state normal school of Los Angeles is hereby authorized to execute a good and sufficient deed of grant, bargain and sale, conveying title to said lands and buildings to the said the Normal Site Company, a corporation, upon the payment by said company to said board of trustees, or its order, of the balance of said purchase price of \$600,000.00.

Deed authorized.

CHAPTER 378.

An act to add a new section to the Political Code, to be known as section sixteen hundred seventeen c, relating to the establishment and maintenance of kindergartens, to the levy of taxes for the support of kindergartens and to the discontinuance thereof.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Political Code to be known as section sixteen hundred seventeen c and to read as follows:

1617c. The board of education of every city, city and county, or the board of school trustees of every school district in this state, shall, upon petition of the parents or guardians of twenty-five or more children between the ages of four and one half and six years, residing within a mile of any elementary school building situate in such city, city and county or school district, establish and maintain a kindergarten, or kindergartens; *provided*, that such kindergarten, or kindergartens, shall be established only between the first day of June and the first day of August in any year. The board of education of every city, city and county, or board of school trustees of every school district, in which a kindergarten is established under the provisions of this act, shall, at least fifteen days before the month in which the board of supervisors is required by law to levy the taxes required for county purposes, submit to the county superintendent of schools, an estimate of the amount of money which will be required for the maintenance of any kindergarten, or kindergartens, in their several school districts for the ensuing school year. The county superintendent of schools shall thereupon examine said estimates and submit copies of the same, with his approval or disapproval endorsed thereon, to the board of supervisors and to the county auditor at the time he submits to them his estimate for the county school tax for the ensuing year. If the county superintendent of schools approve such estimate, the board of supervisors shall, at the time and in the manner of levying other taxes, levy and cause to be collected in the several school districts for which estimates have been submitted and approved as herein provided, the amount so estimated and approved. The fund so levied shall be known as the kindergarten fund of ----- school district (as the case may be), and shall be available for the maintenance of the kindergarten, or kindergartens, established under the provisions of this section, and the moneys drawn from such fund shall be paid out in the same manner as money from the state and county school funds for the maintenance of the elementary schools are drawn and paid out. If the average daily attendance in any kindergarten in any city, city and county, or school district, shall be ten or less for the school year, the governing body for such city, city and county, or school district, shall, at the close of such school year discontinue such kindergarten. In case a kindergarten shall be discontinued, as provided by this section, the property and funds of such kindergarten shall immediately revert to the elementary schools of the city, city and county, or school district, in which said kindergarten has been located.

Boards of education authorized to establish kindergartens.

Estimate of money needed.

Tax levy.

Kindergarten fund.

May be discontinued.

CHAPTER 379.

An act to provide for the instruction of blind students in certain state institutions.

[Approved June 13, 1913. In effect August 10, 1913.]

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

Instruction
of blind
students
in univer-
sity and
normal
schools.

SECTION 1. Whenever one or more blind persons with the proper educational and moral qualifications shall regularly matriculate, enter and work for a degree in the University of California or for a diploma of graduation in any one of the state normal schools the trustees or governing authorities of said institutions shall out of the funds appropriated for the maintenance of such institution, provide a reader to instruct such student from the text-books and other printed matter provided or required for the course taken by such student; *provided, however,* that no more than three hundred dollars per annum shall be expended by any such institution for the instruction of any one student and not more than a total of nine hundred dollars shall be expended in any one school year by any such institution, except the University of California, for the purpose of so instructing blind students.

CHAPTER 380.

An act to amend sections fifteen hundred sixty and fifteen hundred sixty-four of the Political Code, relating to teachers' institutes.

[Approved June 13, 1913. In effect August 10, 1913.]

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

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

Teachers'
institutes.

1560. The superintendent of every county in which there are twenty or more school districts, and of every city and county, and of every city school district governed by a city board of education and employing seventy or more teachers, must hold at least one teachers' institute in each year; and every teacher employed in the schools of the county, city and county, or city school district holding such institute must attend the same and participate in its proceedings; and shall be paid his regular salary for the time covered by such attendance; *provided,* that the superintendents of two or more adjoining counties, or city and county, or city school districts may unite for the purpose of holding a joint institute or convention and may direct the teachers of their respective counties, city and county, or city school districts to attend the same in lieu of all or of a designated part of the county, city and county, or city school district institute, under the same condi-

Teachers
must
attend.

Joint
institutes.

tions and compensations as are herein provided for the county, city and county, or city school district institute; *provided*, that the expense of such joint institute shall be borne proportionately by the counties, city and county, and city school districts participating therein, and shall not exceed two hundred dollars (\$200.00) for each county, city and county, or city school district participating therein; and shall be paid in each county from the unapportioned county school fund, in each city and county from the city and county school fund, and in each city school district from such school district's county school fund; *and provided, further*, that during the year 1915 the superintendent of any county, or city and county, or city school district may convene an institute with the educational department of any international exposition held within the State of California, and may on an affirmative vote of two thirds of all teachers engaged in teaching in such county requesting that such institute be called in connection with said international exposition, direct the teachers of his county, city and county, or city school district, to attend the same in lieu of all or a designated part of the county, or city and county, or city school district institute under the same conditions and compensations as are herein provided for the county, city and county, or city school district. A county superintendent of schools who shall refuse or neglect to hold an institute for any one year as directed by this section shall forfeit the last month's salary of the year in which he fails to hold said institute, and the county auditor whose duty it is to draw the warrant in favor of such superintendent is hereby directed to withhold said salary on proof of such neglect; *provided*, that in lieu of the institute of from three to five consecutive days, as provided in this section and in section 1562 of the Political Code, the superintendent of any county in which there are twenty or more school districts, or of any city and county, or of any city school district governed by a city board of education and employing seventy or more teachers, may hold during the school year, at places in the county, or city and county, or city school district, chosen by the superintendent for their convenience and accessibility to teachers and patrons of neighboring schools, three or more series of local day or evening institutes which shall provide, at each of the chosen places, not less than ten hours of institute work; *provided*, that the superintendent may combine the annual institute plan with the local institute plan, by holding, during one or more days, not to exceed three, an annual meeting of all the teachers in the county, or city and county, or city school district, and also holding during the school year one or more series of evening institutes at local points in the county, or city and county, or city school district, the whole to provide not less than ten hours of institute work; *provided*, that in cities and counties one or more local day or evening institutes of not less than two hours each may be held on not less than three different dates during the year.

Expense
of joint
institutes.

Institutes
in 1915.

Refusal
to hold
institute.

Alternative
plan in
counties
having
more than
twenty
dis-tricts.

SEC. 2. Section fifteen hundred sixty-four of the Political Code is hereby amended to read as follows:

Account of expenses incurred holding institutes.

1564. The county superintendent, the city and county superintendent, and the city superintendent must each keep an accurate account of the actual expenses incurred by them in holding any teachers' institute whether separate or joint, with vouchers for the same; and the county superintendent shall draw his requisition upon the county auditor, who shall draw his warrant on the unapportioned county school fund to pay the expense of the county institute; and the city and county superintendent shall draw his requisition upon the city and county auditor, who shall draw his warrant upon the city and county school fund to pay the expense of the city and county institute; and the city superintendent shall present his bill for the expenses incurred by him in holding the city district institute to the city board of education, who shall pay the same from the city school district's county fund in the same manner as other claims against the city school district's county fund are paid; *provided*, that not more than two hundred dollars (\$200.00) shall be paid by each county, city and county, or city school district towards the expense of any joint institute or convention; *and provided, further*, that not more than three hundred dollars (\$300.00) shall be paid for the expenses of any separate institute held by the superintendent of any county, city and county, or city school district having less than one hundred teachers regularly employed in the elementary and secondary schools of such county, city and county, or city school district; *and provided, further*, that where the number of teachers regularly employed in the elementary and secondary schools of any county, city and county, or city school district exceeds one hundred teachers at the time of holding any separate institute, the superintendent may expend money in addition to the three hundred dollars (\$300.00) hereinbefore provided at the rate of one dollar (\$1.00) per teacher for each teacher in excess of one hundred teachers regularly employed at the time of holding such separate institute; *and provided, further*, that whenever the superintendent of any county, or city and county, or city school district, elects to hold local institutes, or the combination of annual institute with local institutes, as provided in section 1560 of the Political Code, he may expend money, in addition to the amount hereinbefore provided for the expenses of any separate institute in his county, or city and county, or city school district, at the rate of five dollars per teacher for each teacher regularly employed at the time of holding the first series of local institutes in any school year; *provided, however*, that his total expenditures for local institutes shall not at any time in the school year exceed fifty dollars multiplied by the number of local institutes held; *and provided, further*, that whenever the superintendent holds the combination of annual institute with local institutes, each day of the annual institute shall be considered for purposes of expend-

Limit of expense.

iture the same as one series of local institutes; and *provided, further*, that all the expenses of local institutes and of combined annual and local institutes shall be paid in the same manner and from the same funds as are the expenses of separate and of joint institutes.

CHAPTER 381.

An act to provide for the reversion of unexpended balances of certain appropriations.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. No money shall hereafter be paid out of the general fund of the state treasury for or on account of any appropriation made by the legislature of the State of California prior to the first day of January, nineteen hundred and six; but all unexpended balances of all such appropriations shall revert to and become a part of the unappropriated moneys in the general fund; *provided*, that nothing herein contained shall be so construed as to repeal or otherwise affect any act providing for the transfer of moneys from the general fund for the benefit of the elementary schools, the high schools, the university, the interest and sinking fund, or any other bond interest fund; *provided, also*, that this act shall not in any manner affect acts creating statutory salaries, or acts whereby the regular annual expenditure of fixed sums for any public purpose is provided for. All acts or parts of acts inconsistent herewith are hereby repealed.

Reversion
of unex-
pended
balances.

CHAPTER 382.

An act to amend section 1489 of the Political Code relating to the powers and duties of normal school boards.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1489 of the Political Code is hereby amended to read as follows:

1489. The powers and duties of each board of trustees of the state normal schools of California are as follows:

Powers
and duties
of normal
school
trustees.

1. To elect a secretary who shall receive such salary (not to exceed one hundred fifty dollars per annum) as may be allowed by the board;

2. To prescribe rules for their government and the government of the school;

3. To prescribe rules for the reports of officers and teachers of the school and for visiting other schools and institutions;

4. To provide for the purchase of school apparatus, furniture, equipment, stationery, and text-books for the use of students;

Establish
training
schools.

5. To establish at their discretion, and maintain model and training schools of the primary and grammar grade, and, in their discretion of the kindergarten grade, and to require the students of the normal schools to teach and instruct classes therein ;

Establish
courses for
training
school
teachers.

6. To establish at their discretion courses for the training of teachers of drawing, music, physical culture, and commercial, technical, or industrial subjects in the elementary and secondary schools of the state and upon the satisfactory completion of these courses to grant diplomas of graduation therefrom ;

Elect
president
and
teachers.

7. To elect the president of the school, and to elect the teachers, upon their nomination by the president of the school, fix their salaries, and prescribe their duties; *provided*, that after the president or a teacher has served successfully and acceptably in the school for the period of two years prior to or after the passage of this act, his or her appointment thereafter may, at the discretion of the board of trustees, be made for a term not to exceed four years, unless removed for cause ;

Expend
moneys.

8. To control and expend all moneys appropriated for the support and maintenance of the school, and all moneys received for tuition or donations ;

9. To cause a record of all their proceedings to be kept, which shall be open to public inspection at the school ;

10. To keep open to public inspection an account of receipts and expenditures ;

11. To annually report to the state superintendent of public instruction a statement of their transactions, and of all matters pertaining to the school ;

12. To transmit with such report a copy of the president's annual report ;

Revoke
diplomas.

13. To revoke any diploma by them granted, on receiving satisfactory evidence that the holder thereof is addicted to drunkenness, is guilty of gross immorality, or is reputedly dishonest in his dealings; *provided*, that such person shall have at least thirty days' previous notice of such contemplated action, and shall, if he asks it, be heard in his own defense ;

Exclude
students.

14. On recommendation of the faculty and president of the school, to exclude students, who, because of poor scholarship or other evidences of unfitness, are judged incapable of becoming successful teachers in the public schools of the state.

CHAPTER 383.

An act to amend section 1599 of the Political Code of California, relating to the election of school trustees.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1599 of the Political Code of California is hereby amended to read as follows :

Section 1599. The voting must be by ballot (without reference to the general election law in regard to nominations, form of ballot, or manner of voting), which shall be handed by the elector voting to the inspector, who shall then, in his presence, deposit the same in the ballot box, and the judges shall enter the elector's name on the poll list; *provided*, that no electioneering shall be carried on within one hundred feet of the polls; and *provided, further*, that the board of school trustees may arrange for secret ballot by providing booths or private rooms in which the voter must prepare his ballot.

Voting for
school
trustees.

CHAPTER 384.

An act creating a reclamation district to be called and known as "Reclamation District No. 1400," and providing for the management and control thereof.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. A reclamation district is hereby created to be called and known as "Reclamation District No. 1400," and the boundaries of said reclamation district shall be as follows:

Reclama-
tion
District
No. 1400
created.

Beginning at a point on the left bank of the Sacramento river one thousand three hundred twenty (1320) feet east of the section line between sections twenty-six (26), and twenty-seven (27), township nine (9) north, range (4) east, Mt. Diablo base and meridian, and running thence in a straight line north $69^{\circ} 30'$ ($69^{\circ} 53\frac{1}{2}'$) east, a distance of nine thousand eight hundred ninety (9890) feet to the corner common to sections nineteen (19), twenty-four (24), twenty-five (25), and thirty (30), township nine (9) north, ranges four (4) and five (5) east, Mt. Diablo base and meridian; thence east a distance of four thousand eight hundred eighty-nine and eighty-eight hundredths (4889.88) feet to the west line of the land now owned and occupied by the Western Pacific Railway Company, a corporation, the same being commonly known as the railway right of way of said company; thence following said westerly right of way line in a southerly direction by a curve to the right of five thousand six hundred twenty-nine and seven tenths (5629.7) feet radius, a distance of two thousand one hundred eighty-four and fifty-five hundredths (2184.55) feet; thence south $18^{\circ} 48\frac{1}{2}'$ west, a distance of five hundred thirty-one and twenty-two hundredths (531.22) feet to the point of intersection with the westerly line of the Northern Electric Railway Company's right of way; thence south $55^{\circ} 36\frac{1}{2}'$ west, a distance of four hundred sixty-three and ninety-three hundredths (463.93) feet; thence by a curve to the right of one thousand nine hundred ten and one tenth (1910.10) feet radius, a distance of two thousand fifty-six and sixty-seven hundredths

Bound-
aries.

Boundaries.

(2056.67) feet; thence north $62^{\circ} 41\frac{1}{2}'$ west, a distance of one thousand six hundred sixty-four and sixty-nine hundredths (1664.69) feet; thence by a curve to the left of one thousand nine hundred ten and one tenth (1910.1) feet radius, a distance of six hundred eighty-one and thirty-two hundredths (681.32) feet; thence north $83^{\circ} 11\frac{1}{2}'$ west, a distance of one thousand nine hundred sixty-nine and one tenth (1969.1) feet; thence on a curve to the left of one thousand nine hundred ten and one tenth (1910.1) feet radius, a distance of four hundred twenty-two and two tenths (422.2) feet; thence south $84^{\circ} 08\frac{1}{2}'$ west two thousand two hundred thirty-four and forty-one hundredths (2234.41) feet; thence by a curve to the left of one thousand nine hundred ten and one tenth (1910.1) feet radius, a distance of three hundred forty-six and one tenth (346.1) feet; thence south $73^{\circ} 27\frac{1}{2}'$ west, a distance of one thousand one hundred and forty-nine and eighty-nine hundredths (1149.89) feet; thence on a curve to the left of two thousand eight hundred sixty-four and ninety-three hundredths (2864.93) feet radius, a distance of one thousand two hundred fifty-seven and five tenths (1257.5) feet; thence south $48^{\circ} 18\frac{1}{2}'$ west, a distance of three hundred forty-seven and ninety-four hundredths (347.94) feet; thence on a curve to the right of one thousand two hundred five and thirty-seven hundredths (1205.37) feet radius a distance of one thousand one hundred eleven (1111.00) feet; thence north $78^{\circ} 51\frac{1}{2}'$ west, six hundred (600) feet, more or less, to the left or easterly bank of the Sacramento river; thence in a northeasterly direction following the meanderings of the easterly bank of the Sacramento river two hundred sixteen and seven tenths (216.7) feet, more or less, to the point of beginning.

Management.

SEC. 2. The management and control of said Reclamation District No. 1400 is hereby made subject to the provisions of article I of chapter I of title VIII of part III of the Political Code of the State of California relating to swamp and overflowed lands and reclamation districts, or any amendments or additions thereto. The management and control of said Reclamation District No. 1400 shall be vested in three trustees.

Trustees.

C. E. Johnson, A. M. Paul and George J. Meister are hereby appointed as trustees of the said reclamation district to act until their successors are elected and qualified. An election of three trustees shall be held in said district on the fourth Tuesday in October, 1915, and on the fourth Tuesday in October every two years thereafter, and the term of office shall be two years and until their successors are elected and qualified.

Vacancies.

In case of any vacancy in the office of trustee of said district, the board of supervisors of the county of Sacramento shall appoint a qualified person as trustee, who shall hold said office for the remainder of said unexpired term.

Office.

The office of said district shall be in the city of Sacramento and in such place as the board of trustees thereof may from time to time fix.

CHAPTER 385.

An act to provide for the establishment and maintenance of a department of tuberculosis under the direction of the state board of health; defining its powers and duties; and making an appropriation therefor.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. The state board of health shall maintain a department of tuberculosis for the complete and proper registration of all tuberculous persons within the state; for supervision over all hospitals, dispensaries, sanatoria, farm-colonies and other institutions for tuberculosis; for advising officers of the penal and charitable institutions regarding the proper care of tuberculous inmates; and for the performance of such other duties as may be assigned by the said board. Board of health to maintain tuberculosis department.

SEC. 2. The state board of health shall appoint a director of the department whose salary shall be fixed by the board in an amount not to exceed three thousand dollars per annum, and such other employeas as may be deemed necessary, and shall fix their compensation. The director shall be a duly licensed physician, shall be appointed an assistant secretary of the state board of health, and shall devote his entire time to the duties assigned to him. In addition to the administration of the department, it shall be the duty of the director, and he is hereby invested with full power, to inspect and investigate, and have access to all records and departments of all institutions, both public and private, where tuberculous patients are treated. He shall prepare annually for each institution a report of its rating on sanitary construction, enforcement of sanitary measures, adequate provision for medical and nursing attendance, provision for proper food, and such other matters of administration as may be designated. The director and other employeas of the department shall be allowed their actual and necessary traveling expenses incurred in the performance of their duties. Director. Duties. Traveling expenses.

SEC. 3. There shall be an advisory board of four members appointed by the governor for a term of four years; *provided*, that the first appointees shall be designated respectively for one, two, three, and four years. These members shall be selected for their recognized ability and interest in the control and eradication of tuberculosis. The advisory board may meet at least quarterly for conference with the state board of health. All recommendations for appointments, promotions, dismissals, increases of salaries, special expenditures, rules and regulations to be issued by the department and other important matters of policy must be submitted to the advisory board before final action, and its written opinions must be recorded with each action; *provided*, that a majority vote by mail ballot may be recognized as complying with the provi- Advisory board. Meetings.

sions of this section. In all matters of action in which the approval of the advisory board is withheld, the state board of health must file a report with the governor, stating the reasons for action and attaching thereto a copy of the adverse opinion.

Recommendations. The advisory board may make at any time such recommendations regarding the policy of the department, as it may decide by vote to be expedient, but no recommendations for appointments, promotions, or dismissals may originate with it. The advisory board shall elect from its members a chairman who shall serve for one year, and until his successor shall be elected.

Annual meeting. In addition to the quarterly conferences with the state board of health, the said board may, upon its own volition, meet annually in the offices of the department, and special meetings may be held at any time or place subject to the call or approval of the state board of health, or its secretary. The director of the department shall serve as secretary for the advisory board. The members shall receive no salary, but may receive their actual and necessary traveling expenses while in the service of the department.

No salary.

Appropriation. SEC. 4. The sum of \$7,500 is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to be expended by the state board of health in carrying out the provisions of this act. All claims against this appropriation shall be audited by the state board of control. The controller is hereby directed to draw his warrants for sums aggregating this amount and the state treasurer is directed to pay the same.

CHAPTER 386.

An act to amend section 3653 of the Political Code of the State of California, relating to certified copies of assessment book to be furnished cities, towns and irrigation districts on request.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 3653 of the Political Code of the State of California is hereby amended to read as follows:

Copies of assessment book for cities, irrigation districts, etc.

3653. 1. On or before the third Monday in July of each year, the assessor must furnish such incorporated cities, towns, lighting, water and irrigation districts within the county as shall make written request for the same, on or before the first Monday in March of each year, a complete certified copy of his assessment book, so far as such assessment book pertains to property within the limits of said incorporated cities, towns, lighting, water and irrigation districts.

Charge for copy.

2. The assessor may charge incorporated cities, towns, lighting, water and irrigation districts not to exceed seven cents per folio of one hundred words for each copy of his

assessment book, furnished such incorporated cities, towns, lighting, water and irrigation districts.

3. The assessor must, on the first Monday of each month, furnish all such incorporated cities, towns, lighting, water and irrigation districts within the county as shall make written request for the same, a description of all personal property, the name and address, by street and number, of the owners, and assessed value thereof, whenever the tax on such property is collected by the assessor. Description of personal property.

4. The assessor may charge incorporated cities, towns, lighting, water and irrigation districts not to exceed seven cents per folio of one hundred words for such description of personal property. Charge.

CHAPTER 387.

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

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. The holders of title or evidence of title to a majority in area of lands which are susceptible of irrigation from a common source and by the same system of works may propose the organization of a water district by signing and Organization of water districts.

Petition.

presenting to the board of supervisors of the county in which the lands or the greater part thereof are situated, at any of its regular meetings, a petition setting forth the following facts,— that they propose to form under the provisions of this act a water district to be known as the “(-----) water district”; the boundaries thereof; a description of the lands contained therein by legal subdivisions or other boundaries, specifying the county in which the same are located; the number of acres in the proposed district and in each parcel or tract of land contained therein with the names, if known, of the owners thereof, and, if not, designating them as “unknown”; the place where the principal business thereof is proposed to be transacted; and the source or sources (which may be in the alternative) from which said lands are proposed to be irrigated. The words “title or evidence of title” as used in this section include the possessory rights of entrymen or purchasers of public lands under any law of the United States or of this state whether evidenced by receipts or otherwise. The records of the United States land office for the district in which said lands are located; the records of the state land office; and the records in the office of the county recorder of the county in which said lands are situated shall be conclusive evidence of ownership for the purposes of this section.

“Evidence of title.”

Publi-
cation of
petition.

SEC. 2. A copy of said petition and a notice signed by one or more of the petitioners stating the time and place at which the petition will be presented to and heard by the board of supervisors shall be published once a week for four weeks in some newspaper of general circulation published in the county where said proceedings are to be held. Proof of publication must be attached to the petition and filed with the clerk of the board on or before the day on which the petition is presented. During the hearing, or any continuations thereof until concluded, the board must keep a full and complete record of all the proceedings and shall preserve the evidence of all persons appearing and testifying therein. If, at the hearing, it shall appear that the petition has been prepared and presented in the manner required by law and that it contains the required and properly qualified signatures thereto, the board shall enter its order approving the same. Thereupon the board shall fix the boundaries of the district and to that end may exclude therefrom any lands improperly included therein by the petitioners; and after a hearing thereon pursuant to a notice thereof published for the time and in the manner required for the publication of the petition (proof whereof has been filed with the clerk of the board on or before the date of said hearing) shall include in said district any land which shall appear to have been improperly excluded therefrom by the petitioners; and the board shall appoint until such time as their successors are elected and shall have qualified as in this act provided and from among those qualified to serve, a board of directors and an assessor. The various orders of the board approving the petition, fixing the boundaries of the district and appointing

Fixing
bound-
aries.

its officials shall be indorsed upon or attached to the petition, and be signed by the president and attested by the clerk of the board and it must then be by them filed for record with the county recorder of each county in which any of the lands contained in said district are located, and by him recorded in a book kept by him for the purpose of recording instruments and writings relating to said district. When said documents have been so recorded, the district shall be and is hereby declared to be legally organized and shall have power to sue and be sued.

District
declared
organized.

SEC. 3. Any district formed hereunder, in order to determine the legality of its existence, may institute a proceeding therefor in the superior court of the county in which it was organized by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal water district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in some newspaper of general circulation published in each county in which any of the lands contained in said district are located. Within thirty days after the last publication thereof shall have been completed and proof thereof filed with the complaint any person interested may appear and answer said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district. If no answer shall be filed within said time the court must render judgment as prayed for in the complaint. If an answer be filed the court shall proceed as in other civil cases. Said proceeding is hereby declared to be a proceeding *in rem* and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California.

Determina-
tion of
legality of
district.

SEC. 4. The district must adopt for the government and control of its affairs a code of by-laws, not inconsistent with the constitution and laws of the state or the provisions of this act. Sixty days after they shall have qualified for office the board of directors shall prepare by-laws for the written approval of the board of supervisors of the county in which the district was organized, and, when said by-laws are approved, shall adopt the same by resolution entered in the minutes of the meeting, unless, prior thereto, by-laws shall have been adopted and filed with the secretary of the district by the written assent of the holders of title or evidence of title, including such aforesaid possessory rights, to a majority in area of the lands embraced in said district. The records of the United States land office for the district in which said lands are located; the records of the state land office; and the records in the office of the county recorder of the county in which said lands are situated shall be conclusive evidence of ownership for the purposes of this section. The by-laws shall provide for: the manner of calling, and the time, place and manner of conducting all elections and the manner of giving notice thereof; the mode of voting in person or by proxy; the qualifications and duties of officers, the

By-laws.

Evidence
of owner-
ship.

By-laws. tenure of their office, the time and manner of their appointment or election; their compensation; the place at which the principal business of the district is to be transacted and the mode of changing the same; the mode of amending or repealing the by-laws and suitable penalties for the violation of the by-laws not to exceed in any one case two hundred dollars for any one offense. The by-laws may be repealed or amended, or new by-laws may be adopted by the assent of two thirds of the total vote of the district given either in writing or by ballot cast at an election of the district. The by-laws in their original form, and any repeal thereof, or amendment or addition thereto, must, together with the approval of the board of supervisors and the resolution of the directors, or the written assent thereto or a memorandum of the returns of the election at which the assent was given, be certified by a majority of the directors and the secretary of the district and must be filed for record with the county recorder of each county in which any of the lands contained in said district are located and by him recorded in a book kept by him for the purpose of recording instruments and writings relating to said district. Until so recorded, no by-law, addition thereto, amendment or repeal thereof, can be enforced against any person not having actual notice of the same.

Officers of district.

SEC. 5. The officers of the district shall be a board of five directors, a secretary, and an assessor, all of whom shall, except as herein otherwise provided, be elected by ballot, except the secretary who shall be appointed by the board of directors. No person shall be qualified to hold any of said offices, except that of secretary, unless he is a holder of title or evidence of title, including such aforesaid possessory rights, to lands contained in the district. Each appointee to office or officer-elect shall forfeit his office unless within ten days after he has notice of his election or appointment or before the expiration of ten days from the commencement of his term of office, when no such notice is given, he shall have filed for record with the county recorder of each county in which any of the lands contained in said district are located, a written acceptance of his office which shall be recorded in a book kept for the purpose of recording instruments and writings relating to the district.

Vacancies.

If any office shall become vacant by forfeiture, death, resignation, or from any other cause, the same shall be filled by appointment,—by the board of directors in case of vacancy in the office of secretary, and by the board of supervisors of the county in which the district was organized in all other cases.

Salaries.

Until such time as their salaries shall have been fixed by the adoption of by-laws, the officers of the district shall receive the following compensation for their services: the secretary and assessor such sum each as shall be fixed by the board of directors; and the directors five dollars each for each directors' meeting attended or for each day's service rendered as a director by order of the board of directors, together with any expenses incident to such service, except expenses incurred in

traveling between his place of residence and the place at which directors' meetings are held.

SEC. 6. The board of directors shall choose from among its members a president; shall appoint the secretary of the district; shall select and maintain an office for the district in the principal place of business thereof and shall hold regular meetings therein at such time and place as may be agreed upon by resolution adopted, and shall hold therein such other meetings as, from time to time, may be deemed advisable; *provided*, that no meetings, except regular meetings, shall be valid unless prior thereto each director shall have filed with the secretary his written consent to the same, or unless the president, or three members of the board of directors, shall have called the same by giving each of said directors five days' written notice thereof, or unless said directors shall have authorized the same by resolution adopted at a former meeting and shall have caused five days' written notice thereof to be given by the secretary to each director not joining therein. A majority of the board of directors shall constitute a quorum for the transaction of business. The vote of a majority of those present at any meeting where a quorum is had shall be necessary to determine any proposition or resolution presented. The secretary shall keep a record of all the proceedings had at meetings of the board of directors. The books, maps, papers, contracts, records and other documents pertaining to the affairs of the district shall be filed in the office of the district with the secretary and must be open to inspection at all times by any persons interested.

Organiza-
tion of
board,
meetings,
etc.

Quorum.

Records
open to
inspection.

SEC. 7. It shall be the duty of the board of directors to manage and conduct the affairs of the district and to that end it shall, in the name of the district, have power to plan, construct, maintain and keep in repair the irrigation works necessary or proper to supply the lands contained therein with sufficient water for irrigation purposes; to acquire by purchase, condemnation or other legal means all water, water rights, lands, properties or rights in properties necessary or proper therefor; to lease or sell for a valuable consideration any property, or right in property, belonging to the district and no longer necessary to its use and purpose; to take conveyances, contracts, leases or other assurances for property acquired by the district under the provisions of this act; to execute by its president and secretary all contracts, leases, conveyances and other documents necessary to carry out the duties and powers specified herein; to institute, maintain and defend in person, or by attorneys, all actions, proceedings or suits at law or in equity necessary or proper to carry out the provisions of this act, or to enforce, maintain, protect or preserve the rights, privileges and immunities created by or acquired in pursuance thereof; to establish, print and distribute among the landowners of the district equitable rules and regulations for the distribution of water; to enter, for the above purposes, either in person or by its agents or employes, in and upon any lands contained in the district;

Duties and
powers of
board.

to employ and fix the salary of such persons as may be necessary or proper to fully carry out the uses and purposes of the district; and to do any other lawful thing necessary or proper to carry out the provisions of this act or the uses and purposes for which the district is formed; *provided, however*, that the board of directors shall not let, or enter into, a contract for the construction of irrigation works, nor shall said board of directors construct the same by employees of the district until an election has been called and held to determine whether or not bonds of the district shall be issued as provided in section thirteen of this act, nor, in case bonds are voted, until eighty-five per cent of the total amount of said bond issue has been sold and the money received thereon, as provided in section eighteen hereof.

Not to let contracts until bonds are sold.

Annual estimate of funds needed.

Assessment.

Hearing of objections.

SEC. 8. Between thirty and ninety days after the organization of the district, and between said dates annually thereafter, the board of directors must file with the clerk of the board of supervisors of the county in which said district was organized an estimate of the sum required by the district to discharge the unpaid matured obligations thereof at that date and the obligations thereof that will mature or that it is probable will be incurred and mature during the two years next following, specifying that portion of said estimate which will be required for the payment of bonds and of the interest on bonds. Between the date on which the district was organized and ninety days thereafter, and between said dates in each succeeding year, the assessor must view the lands of the district and assess each parcel or tract of land contained therein at the cash value of the benefit derived by it from the construction and maintenance or proposed construction and maintenance of irrigation works and said assessor must, within said time, file with the clerk of said board of supervisors, an assessment book, with appropriate headings, in which must be listed each parcel or tract of land within the district, specifying,—(1) the name, if known, (and, if unknown, stating that fact) of the holder of title or evidence of title, including such aforesaid possessory rights, thereto; (2) the description thereof by legal subdivisions, metes and bounds, or other boundaries sufficient to identify the same; and (3) the value assessed thereon. If the district is contained in more than one county, then the assessment book shall be prepared with a separate part in a separate volume for the lands of each county. Within sixty days after the said estimate and the said assessment list shall have been filed as above provided, the said board of supervisors, acting as a board of equalization, shall meet and hear any verified, written objections, stating the ground therefor, to the assessment as made, which objections, shall, prior to the hearing, be filed with the clerk of said board. Prior to the hearing, and during the office hours of said board of supervisors, the assessment list shall be open to public inspection. At the hearing, which must be continued from time to time until completed, the said board of supervisors shall hear the evidence offered in support of the

objections presented and shall add to or deduct from the valuation assessed to any tract or parcel of land such per centum thereof as shall be sufficient to raise it or reduce it to the full cash value of the benefit derived by said tract or parcel of land from the construction or maintenance or proposed construction and maintenance of irrigation works and shall fix the value of any lands contained in said district that shall not have been so assessed. Thereupon, and before said hearing is closed, the assessor shall have the total valuation of all the lands assessed extended into columns, added and a statement thereof made. When said statement is completed, the board of supervisors must fix such *ad valorem* rate of taxation upon each hundred dollars in value of the lands so assessed as will raise the sum specified in said estimate. Any changes in or additions to said list shall be entered in said assessment book in the proper place therefor and the order therefor shall be indorsed on the margin of the entry and signed by the president and attested by the secretary of said board of supervisors. The order of the board of supervisors approving the assessment, the statement of the assessor showing the total valuation of the property assessed, the order fixing the rate of taxation thereon, and the estimate of the sum required by the board of directors of the district for the expense thereof during the two years next following shall be signed by the president and attested by the secretary of the district and shall be attached to the assessment book on the last volume thereof, unless the lands of the district are contained in more than one county, in which case a copy thereof shall be signed and attached in a similar manner to each separate part of the assessment book. Within ten days after the hearing is completed, the assessor shall compute and charge in the assessment book in a place provided therefor in the record of each parcel or tract of land assessed the amount of the tax due thereon and shall file each said separate part of the assessment book with the county tax collector of the county in which the lands therein assessed are located and thereafter the charges therein taxed shall be due and payable to the county tax collector of the county in which the lands on which they are taxed are situated. The various orders of the board of supervisors made at the hearing shall be final and when indorsed on or attached to the assessment book shall be conclusive evidence that the assessment was made and the tax levied in accordance with the law; *provided, however*, that any person interested in lands of the district and aggrieved by the decision of the board of supervisors may, in order to have said assessment, or the tax levied thereon, corrected, modified, or annulled, institute an action therefor in the superior court of the county in which said district was organized. No action to determine the validity in any respect of any such assessment, or tax levied thereon, shall be maintained unless the same shall have been commenced within thirty days after the assessment book, or each separate part thereof, is filed with said county tax collector as above provided, and no objection to

Tax rate
fixed.

Charge
against
each parcel
of land
computed.

Appeal
from deci-
sion of
super-
visors.

the assessment shall be considered by said board of supervisors or allowed in any other action, or proceeding, unless such objection shall have been made in writing, verified and presented to the clerk of the board of supervisors in the manner herein required.

Assessment
lien on
property.

SEC. 9. From and after the filing of the assessment book, or separate part thereof, with said county tax collector, as provided in section eight of this act, the charges therein taxed upon any tract or parcel of land within the county for which he is the tax collector and any penalties added thereto as hereafter provided shall constitute a lien thereon and shall impart notice thereof to all persons.

Delin-
quency
notice.

SEC. 10. Within ten days after each tax shall have become due and payable, the assessor shall publish in some newspaper of general circulation published in the county in which the district was organized, a notice stating that the same became due and payable on (inserting date) to the county tax collector of the county in which the lands on which the charge therefor is a lien are located and that unless paid within six calendar months from said date the same will become delinquent, an additional charge of ten per cent thereof added thereto and the delinquent property sold at public auction. The tax must be paid in United States gold coin and the tax collector must mark the date of payment in the assessment book opposite the name of the person paying, and must give to such person a receipt, specifying the property taxed, the amount of the charge thereon and the amount paid, and thereafter must pay the moneys so received to the county treasurer of said county, who must pay the same to the county treasurer of the county in which said district was organized, and he shall place the same to the credit of the district. As soon as possible after the tax shall become delinquent the assessment book and each separate part thereof shall be returned to the secretary of the district and the board of directors thereof shall publish once a week for three weeks in some newspaper of general circulation published in the county in which said district was organized a notice containing a description of the delinquent property; the name, if known, and, if unknown, stating that fact, of the person to whom it is assessed; the amount of the taxes and penalties due thereon; and a statement that the delinquent property will be sold therefor in front of the courthouse of said county on a date therein stated, which must be not less than twenty-one or more than twenty-eight days from the first publication, unless an error is made in the publication and discovered prior to the sale, in which case the notice shall be republished in the same manner, specifying the sale for a date not less than twenty-one or more than twenty-eight days from the first republication.

Publica-
tion.

Purchaser.

SEC. 11. At the time and place stated in said notice or at such other time (written notice whereof has been posted at the place of sale) to which the board of directors may have postponed it, not exceeding thirty days in all from the original

date of sale, that person is the purchaser who will immediately pay in gold coin of the United States the delinquent tax and the penalty thereon for the smallest portion of the delinquent property, or in case an undivided interest is taxed, then the smallest portion of the interest. In case there is no purchaser in good faith for the same the whole amount of the delinquent property shall, for the amount of the tax and penalty thereon, be struck off to the district as the purchaser. A certificate of sale shall be executed in duplicate by the board of directors, one of which shall be delivered to the purchaser or to the district, if the property shall have been struck off to the district, and the other of which shall be recorded in the office of the county recorder of the county in which the property sold is located. The certificate shall be dated the day of the sale and shall specify—the description of the property sold; the name, if known, and if not, stating that fact, of the person to whom it was assessed; the fact that it was sold for the amount of the tax and penalty thereon, giving the amount and year of said tax; and the date on which the purchaser will be entitled to a deed. The recorder upon receiving the certificates of sale must, when he records the same, enter, in a book provided for that purpose and kept with the book provided for the purpose of recording instruments and writings relating to the district, a description of the land sold, corresponding with the description in the certificate, the date of sale, the name of the purchaser, and the amount paid. The entries in said book shall be numbered consecutively on the margin thereof and a corresponding number shall be indorsed on the certificate. At the time of the sale the board of directors shall indorse in the assessment book opposite the description of the property, the portion of the same sold for taxes and penalties, with the date of sale and name of purchaser, and shall thereafter pay to the tax collector of the county in which the lands sold are located the amount received on the sale thereof and shall return said assessment book, or any such separate part thereof, to the county tax collector from whom the same was received, who must keep and file the same for the use and benefit of the district. Any person interested in any property sold may redeem the same within one year from the date of sale by paying in gold coin of the United States to the county tax collector of the county in which the property is located, and in trust for the purchaser or his assignees, the amount for which the same was sold, together with interest thereon at the rate of two per cent per month from the date of sale, and the tax collector must give him a receipt therefor, specifying therein a description of the property redeemed, the name of the purchaser and the date of sale, and he shall credit the amount so paid to the purchaser and shall thereafter pay the same on demand to the purchaser or his assignee. The county recorder of the county in which is located the property redeemed shall, upon presentation of the tax collector's receipt for said amount, mark the word "redeemed," the date and by whom redeemed

Certificate of sale.

Certificates recorded.

Redemption of property sold.

on both the record of the certificate of sale of said property and on the margin of the memorandum thereof made in the book kept for that purpose. If no redemption shall be made within said one year, the purchaser, or the district, if said property shall have been sold to the district, shall be entitled to a deed executed by the board of directors, and said deed shall contain all the recitals of the certificate, and when duly acknowledged shall be (except as against actual fraud) conclusive evidence of the regularity of all proceedings from the assessment to the execution of said deed, inclusive, and said deed will convey to the grantee the absolute title to the lands described therein, free of all encumbrances, except state, county, municipal or subsequent district taxes, and except when the land is owned by the United States or this state, in which case it is the prima facie evidence of the right of possession. All property sold for taxes to the district shall subsequently be assessed for district taxation as though it had never been sold, but it shall not again be sold for delinquent tax, as long as it is owned by the district. The title acquired by the district, in case it becomes the purchaser at a delinquent tax sale of the district, may, subject to the right of redemption herein provided, be sold at public auction or private sale, but such sale shall not be made for less than the reasonable market value of the property, or for less than the amount of the taxes levied thereon, plus any penalties that may have been added thereto.

Purchaser
entitled to
deed after
one year.

Sale by
district
which
became
purchaser.

Additional
tax in case
of failure
or error.

SEC. 12. If for any reason any tract or parcel of land contained within the district shall not have been charged with its portion of any tax levied, or if the tax levied on any tract or parcel of land shall be adjudged invalid by any court of competent jurisdiction, then such tract or parcel of land shall at the hearing in any subsequent tax levy be additionally taxed and charged by the board of supervisors of the county in which said district was organized in a sum which bears the same proportion to the total amount of said former tax as its then assessed valuation bears to the total amount of the assessed valuation placed on all the lands in the district at the time said former tax was levied.

Plan of
irrigation
works.

SEC. 13. The board of directors shall, as soon after the organization of the district as is practicable, prepare and adopt a plan of irrigation works and shall estimate the cost of constructing the same and of acquiring the lands, property, property rights, water, and water rights necessary or proper therefor and to supply the lands contained in the district with sufficient water for irrigation purposes, together with every other expense of the district that it is probable will be incurred and become payable before the expiration of one year from the completion of said works, for which the funds of the district then in the treasury or thereafter to be received from a tax previously levied, are inadequate, including the interest on any bonds of the district due and payable prior to said date. Thereafter, when it is considered by the board of directors for the best interest of the district that bonds thereof shall be issued

Special
bond
election.

for the purpose of obtaining all of the money necessary to pay the costs and expenses specified in the estimate accompanying the plan of the irrigation works or when the holders of title, or evidence of title, including such aforesaid possessory rights, to a majority in area of the land contained in the district, shall sign and file with the secretary of the district a petition therefor, the said board of directors shall, by resolution adopted and entered in its minutes, order a special election to be held at the time designated by said board at which shall be submitted to the landowners the question of whether or not bonds of the district shall be issued in said amount. A notice of said election, specifying the time and place at which the same will be held, the amount of the bonds proposed to be issued, the interest rate and purpose thereof, shall be published once a week for four weeks in some newspaper of general circulation published in each county in which any of the lands contained in said district are located, and proof thereof must be filed with the secretary of the district prior to the date on which said election is held. The ballots cast at such election shall specify the amount and purpose of the proposed bond issue and the rate of interest proposed. If two thirds of the votes cast thereat are in favor of the issuance of bonds, the board of directors shall cause bonds in the amount specified in the order for the election to be executed and delivered to the county treasurer of the county in which said district was organized.

Notice.

Ballots.

SEC. 14. Bonds of the district, when issued, shall be payable in gold coin of the United States in twenty series as follows, five per cent of the whole amount of said bonds at the expiration of eleven years and at the expiration of each succeeding year to and including the expiration of thirty years from the date of execution thereof; they shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; and they shall be signed by the president of the board of directors and attested by the county auditor of the county in which the district was organized. Each bond must be made payable at a given time for its entire amount and not for a percentage; shall bear interest at a rate not in excess of seven per cent per annum, payable semiannually on the dates therein named at the office of said county treasurer upon the presentation and surrender of the proper coupons therefor, and the principal thereof shall be payable when due upon the presentation and surrender thereof to said county treasurer by the holder of the same. Each issue shall be numbered consecutively and the bonds of each issue shall be numbered consecutively and bear date at the time of their issue. Coupons for each installment of interest shall be attached to the bonds and shall be numbered the same as the bonds, and attested by the facsimile signature of the county auditor of the county in which said district was organized.

Term, denomination, etc., of bonds

Interest.

Coupons.

The bonds shall be substantially in the following form:

Form.

"Issue ----- No.----- For value received, ----- water district situated in the county of -----, State

of California, promises to pay the holder hereof at the office of the treasurer of said county, on the ____ day of _____, 19___, the sum of _____ dollars in gold coin of the United States with interest in like gold coin at the rate of _____ per centum per annum, payable at the office of said treasurer semiannually, on the ____ day of _____ and the _____ day of _____ in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued pursuant to an election held by said district on the _____ day _____, 19___, authorizing its issuance, and by authority of an act entitled (specifying the title and date of approval of this act).

In witness whereof, the said district, by its board of directors, has caused this bond to be signed by the president of said board and attested by the auditor of said county, with his seal of office attached, this _____ of _____, 19___.

 President of said Board.

Attest:

 Auditor of _____ County.”

Form of
 interest
 coupons.

The interest coupons shall be substantially in the following form:

“No. _____.

The treasurer of _____ county, State of California, will pay the holder hereof, on the _____ day of _____ 19___ at his office in _____, _____ dollars, gold coin of the United States, out of the funds of _____ water district for interest on bond numbered _____ of said district.

Attest:

 County Auditor.”

Bonds
 placed to
 credit of
 district.

The county treasurer of the county in which said district was organized shall, when he receives the same, place the said bonds to the credit of the district and he shall, in a book provided for that purpose, keep a record of said bonds and of the payment thereof and the interest thereon. When filed with said county treasurer, as above provided, the bonds of the district and the interest thereon shall be and remain until paid a lien on the lands of the district, and a lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue.

Test of
 validity of
 bonds.

SEC. 15. As soon as said bonds shall have been delivered to said county treasurer, the board of directors, or any holder of title, or evidence of title, including such aforesaid possessory rights, to lands contained in the district, may, in order to determine that said bonds are a legal obligation of the district, institute a proceeding therefor in the superior court of the county in which the district was organized by filing with the clerk of said county a complaint setting forth that on a date therein named bonds of said district were delivered to the said treasurer, stating the amount of such bonds, and praying that such bonds be adjudged to be a valid legal obligation of such

district. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in some newspaper of general circulation published in each county in which any of the lands contained in said district are located. Within thirty days after the last publication thereof shall have been completed and proof thereof filed with the court, any person interested may appear and answer said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of said bonds. If no answer shall be filed within said time, the court must render judgment as prayed for in the complaint. If an answer be filed the court shall proceed as in other civil cases. Said proceeding is hereby declared to be a proceeding *in rem* and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California.

SEC. 16. For the purpose of completing the irrigation works and of acquiring the lands, property, property rights, water and water rights necessary or proper therefor and to supply the lands contained in the district with sufficient water for irrigation purposes, or for the purpose of making additions to said irrigation works, or for the purpose of paying for and retiring any issue of bonds previously made, the district may, when it is necessary or proper therefor, issue additional bonds in the same manner as is hereinbefore provided for the original issue of bonds.

SEC. 17. The board of directors shall provide ways and means for the sale of said bonds or for the exchange thereof dollar for dollar for bonds of the State of California. Said board shall in no event sell or exchange, as above provided, any of said bonds for less than the par value thereof, plus the accrued interest thereon, nor shall any of said bonds be sold or exchanged nor shall said treasurer deliver any of the same unless the total proceeds thereof, either in gold coin of the United States or bonds of the State of California at their par value, shall be at least eighty-five per centum of the total amount of said bond issue, nor unless said bonds shall first have been approved as provided in section eighteen of this act. When any of said bonds are sold by the board of directors, the county treasurer of the county in which the district was organized shall transfer the bonds purchased to the purchaser upon receiving the purchase price, and the moneys received therefrom shall be placed to the credit of the district and in a similar manner bonds of the State of California that may be received for bonds of the district shall be placed to the credit thereof to be sold as the board of directors may direct. in no case, however, for less than the par value thereof.

SEC. 18. When approved as provided in this section the bonds of any water district issued in pursuance of this act may be lawfully purchased, or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies and trust companies and, when thereunto duly authorized by the court,

Issue of additional bonds.

Sale of bonds.

Water district bonds lawfully investment of trust funds, etc.

Hydraulic
engineer.

Board of
investigation.

Approval
of super-
intendent
of banks.

Expense
of investi-
gation.

Destru-
ction of
unused
bonds.

by guardians, executors, administrators and special administrators. When requested therefor in writing by a majority of the board of directors of any water district formed hereunder, the governor must select and appoint one hydraulic engineer, who, with one such engineer appointed by said board of directors and one such engineer mutually agreed upon and jointly appointed by the governor and said board of directors, shall constitute a board of investigation to determine whether or not the total cost of acquiring the water rights and the system of works that may be necessary to supply the lands of the district with water in sufficient quantities for irrigation purposes will be in excess of one hundred per centum of the total amount of the bonds theretofore issued by such district. Within ninety days after the third and last member thereof is chosen, unless said time shall be extended by the board of directors, in which case within said extension of time, each member of said board of investigation shall prepare his separate written report and shall file the same with the state superintendent of banks and shall certify and file a copy thereof with the board of directors of said district, which report shall specify whether or not said cost will be in excess of one hundred per centum of the total amount of the said bonds so issued. If two members of said board of investigation shall find that said cost will not be in excess of an amount equal to one hundred per centum of the total amount of the said bonds so issued, the state superintendent of banks must, when so requested by the board of directors of said district, indorse upon the face of each of said bonds the word "approved" and shall affix thereunder his signature and the title of his office. The said district shall bear and pay for all expense incident to the investigation and the governor, before appointing any member of the board of investigation which he is hereby empowered to select and appoint, may require that the said district provide, subject to his approval, a good and sufficient undertaking in an amount not in excess of six thousand dollars, conditioned that said district, or its sureties, which shall be two in number, will pay the salary and necessary expenses of that member of said board of investigation appointed by him, not to exceed, however, the total sum of five thousand dollars.

SEC. 19. Whenever there remains in the hands of the treasurer of the county in which the district was organized any unsold bonds of the district which it is not necessary to sell for the purpose of raising funds for the district, the board of directors may call a special election to determine whether said bonds shall be destroyed or not, or may submit such proposition at a general election. The notice thereof shall specify, in addition to the requirements therefor as provided in section twenty-three of this act, the amount of the bonded indebtedness authorized, the amount of the bonds remaining unsold and the amount thereof proposed to be destroyed. When the vote cast at said election is canvassed by the board of election,

if a two thirds majority of the votes cast shall be found to be in favor of the destruction of said bonds, then the president of the board of directors, in the presence of a majority of the members thereof, must destroy the bonds so voted to be destroyed and the amount thereof shall be deducted from the total amount authorized to be issued, and no part thereof shall thereafter be reprinted or reissued.

SEC. 20. Whenever the funds of the district are in excess of the amount necessary to complete the construction of the irrigation works or to acquire the necessary water, water rights, property and rights in property therefor and to supply all the lands contained in the district with sufficient water for irrigation purposes and in addition thereto to pay every obligation of the district that is due and payable or that will become due and payable or that it is probable will become due and payable before the expiration of two years from the date on which the next preceding tax of the district was levied, the board of directors may direct the treasurer of the county in which said district was organized to pay with said excess (specifying the amount thereof) such an amount of the sold bonds of the district as said excess sum of money will redeem at the lowest value at which they may be obtained for liquidation, in no case for more than the par value thereof.

Use of excess money to redeem bonds.

SEC. 21. The county treasurer of the county in which the district was organized shall receive to the credit of the district and in trust for the uses and benefits thereof all the funds thereof, and all such funds or moneys belonging to the district, or to which the district is entitled, shall, when received, except as herein otherwise provided, be paid by the person so receiving them to the said treasurer. The said treasurer shall establish for the district two funds, to wit: a bond fund and a general fund, and shall apportion the moneys of the district to said funds, as follows: to the bond fund, that portion of the moneys received from the collection of taxes or from the sale of property for delinquent taxes which bears the same proportion to the total amount so received from the collection of taxes or from the sale of property for delinquent taxes as that portion of the estimate of the board of directors (on which said tax was based) which is required for the payment of bonds and of the interest on bonds bears to the whole amount of said estimate; to the general fund, the balance of all moneys or funds so received. In case lands of the district, when sold for delinquent taxes, are struck off to the district as the purchaser, the tax collector of the county in which said lands are located shall, in making his accounting with the treasurer of said county, furnish a statement of the lands so sold to the district and of the amount for which the same were sold, and said treasurer shall deliver the same to the treasurer of the county in which said district was organized and said last-named treasurer shall thereupon estimate that portion of said amount belonging to the bond fund and shall charge the general fund with said portion and shall pay the same from

County treasurer to receive funds for district.

Bond fund.

General fund.

the general fund into the bond fund. The moneys placed in the bond fund shall be used for the payment of bonds and of the interest thereon, and, until the total bonded indebtedness of the district is discharged, shall not be used for any other purpose. The funds of the district shall not, except for the payment of bonds and the interest thereon, be paid out by the treasurer of the county in which said district was organized, unless a warrant therefor shall have been drawn and executed by the board of directors and approved by the board of supervisors of said county. Such warrants are and shall be considered as contracts in writing for the payment of money, and the period prescribed for the commencement of an action based thereon, or connected therewith, is and shall be the term of four years from the date of their issuance. In any proceeding for a writ of mandate to compel the board of directors to issue a warrant, the court must determine the controversy in the manner provided for determining controversies in other civil actions, and shall cause a writ to issue for such sum as may be found to be due.

Payments
from
funds.

Voters.

SEC. 22. Except as herein otherwise provided, every holder of title or evidence of title (including the aforesaid possessory rights) to land contained in said district, and no other, shall be qualified and entitled to vote either in person or by proxy at any election held by said district. Each person entitled thereto shall have one vote for each dollar's worth of land, the title to which is held by him as above provided. The next preceding assessment book of said district shall, for the purposes of this section, be conclusive evidence of ownership and of the value of the property so owned.

Conduct of
elections.

SEC. 23. Except as herein otherwise provided, all elections held under the provisions of this act shall be called, held and conducted at the time, place and in the manner provided by the by-laws of the district; *provided, however*, that no such election shall be valid unless the place at which the same is held is at the principal place of business of the district and unless notice thereof shall first have been given in the following manner: by publication thereof once a week for at least two weeks in some newspaper of general circulation published in each county in which any of the lands contained in said district are located. The said notice of election shall state the time, place and purposes thereof. At least ten days before any election, the board of directors must appoint from among those persons qualified and entitled to vote at said election an inspector and two judges, who shall constitute a board of election, and three alternates who shall, in the order in which they are appointed, fill any vacancies on said board if any members thereof do not attend at the opening of the polls. Each member of such board of election, or his successor, must, before entering upon his duties as such, take an official oath as such member of the board of election, which may be administered by any officer authorized to administer oaths or by any landholder in the district. The inspector is chairman of the election board and shall

Election
officers.

appoint the necessary clerks, and if during the progress of the election any judge or clerk shall cease to act, he shall appoint his successor. The polls shall be kept open for the reception of votes from ten o'clock a.m. until five o'clock p.m., when the same must be closed. The election board shall, before the opening of the polls, post in a conspicuous place thereat a list of all persons entitled to vote at said election with the number of votes they are entitled to cast. The ballots used at the election shall be provided by the board of directors and one of the clerks of election shall deliver one of them to each person qualified to cast a vote or to his representative by proxy. The Australian ballot shall be used and the clerk of the election board at the time of delivering the same to the voter, or his representative by proxy, shall mark thereon in a place provided for that purpose the name of the person casting the ballot and the number of votes which he is entitled to cast. The person casting the ballot shall stamp a cross with a rubber stamp, to be provided by the board of directors, in the square behind the name of each candidate or proposition he wishes to vote for. The election board shall retain and file with the returns of the election all proxies presented at said election. A list of the ballots cast shall be made by the board of election, containing, the name of the voter and, if the ballot be cast by proxy or by the legal representative of the voter, the name of the person casting it; the number of votes cast; and how the person voted on the different matters presented at the election. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result, and shall forward a certificate, showing the same and the number of votes cast for or against each candidate or proposition and shall forward said certificate, together with all ballots used and all documents and papers used at such election, to the clerk of the board of supervisors of the county in which the district was organized, and a duplicate copy thereof to the secretary of the district. A copy of said certificate, certified by said clerk of the board of supervisors, shall be by him filed for record with the county recorder of each county in which any of the lands contained in said district are located, and by him recorded in a book kept by him for the purpose of recording instruments and writings relating to said district. Any person interested may contest such election, within twenty days after the result thereof has been declared, by filing a complaint in the superior court of the county where such election was held, and if no contest shall be commenced within said time, the declaration of the result by the board of election shall be final and conclusive. No proxy shall be valid and no proxy shall be accepted or vote allowed thereon at any election held under the provisions of this act unless the same be executed in writing by the person or corporation who, according to the next preceding assessment book of the district, is entitled to the votes for which the proxy is given. The said proxy shall be acknowledged before some person authorized to take certified acknowledgments of conveyances of real property and shall specify the election for which it is given and shall

Polls open
10 a.m. to
5 p.m.

Australian
ballot.

Canvass
of votes.

Contest of
election.

Proxies.

only be used at such election. Every proxy shall be revocable at the pleasure of the person executing it.

Rights
may be
exercised
by legal
representa-
tive.

SEC. 24. The rights, privileges and immunities created by this act in favor of any holder of title or evidence of title, including such aforesaid possessory rights, to lands contained in the district may for his benefit and on his behalf be exercised by, and are hereby extended to, his legal representative in all cases where said legal representative is an official of a corporation owning land within the district or is a guardian, executor or administrator of an estate who is appointed as such under the laws of this state and who as such is entitled to the possession of lands included within said water district belonging to the estate which he represents and who has been by the court duly authorized to exercise the particular right, privilege or immunity which he seeks to exercise; *provided, however*, that he must, before he casts a ballot at any election of the district, present the board of election or some clerk thereof with a certified copy of his authority, which must be kept and filed with the returns of the election.

Use of
water for
district
declared
public use.

SEC. 25. The use of all water required for the irrigation of the lands of any district formed under the provisions of this act, and for domestic and other incidental and other beneficial uses, within such district, together with the rights of way for canals and ditches, sites for reservoirs and all other property required in fully carrying out the provisions of this act, is hereby declared to be a public use, subject to the regulation and control of the state in the manner prescribed by law.

Power to
construct
works
across
streets,
etc.

SEC. 26. The board of directors shall have power to construct the irrigation works across any stream of water, water course, street, avenue, highway, railway, canal, ditch, or flume which the route of a canal or canals of said works may intersect or cross, in such manner as to afford security for life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by said works shall unite with said board in forming said intersections and crossings and shall grant the privileges aforesaid; and if such railroad company and said board or the owners and controllers of said property, thing or franchise so to be crossed, can not agree upon the amount to be paid therefor, or the points or the matter of said crossings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of land. A right of way is hereby given, dedicated, and set apart to locate, construct, and maintain said works over and through any of the lands which are now or may be the property of this state; and also there is given, dedicated, and set apart for the uses and purposes aforesaid, all waters and water rights belonging to this state within the district. The rights of way, ditches, flumes, pipe lines, dams, water rights, reservoirs and other property of like character belonging to any district organized

Right
of way
through
state
lands.

under this act shall not be taxed for state and county or municipal purposes.

SEC. 27. In case of condemnation proceedings, the board of directors shall proceed in the name of the district under the provisions of title 7, part 3 of the Code of Civil Procedure. Condemnation proceedings

SEC. 28. No officer of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded, or in the profits to be derived therefrom; and for any violation of this provision such officer shall be deemed guilty of a misdemeanor and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Officers not to be interested in contracts.

SEC. 29. It is hereby expressly provided that all waters distributed for irrigation purposes shall be apportioned ratably to each landowner upon the basis of the ratio which the last assessment of such owner for district purposes within said district bears to the whole acreage assessed upon the district. When the equitable rules and regulations for the distribution of water have been provided by the board of directors and published once a week for two weeks in some newspaper of general circulation published in each county in which any of the lands contained in said district are located, any violation thereof shall be and is hereby declared to be a misdemeanor, and the person committing the same shall, upon conviction thereof, be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars. Apportionment of waters. Penalty.

SEC. 30. No supervisor, recorder, tax collector, treasurer, auditor or clerk of any county shall receive any fee for any service required to be performed by him under the provisions of this act; *provided, however,* that the tax collector of each county in which any of the lands contained in the district are located, during the time for the collection of the taxes of the district, may require the board of directors to provide and pay for a deputy tax collector whose duty it shall be to care for the matters relating to the collection of the said taxes of the district. No fees for services of county officers.

SEC. 31. If at any time after the organization of any district hereunder, the boundaries of the county in which the same was organized shall be so changed or modified as to exclude therefrom all of the lands contained in said district, then in that event the records and documents of said district in the possession and care of the board of supervisors of said county, together with a certified copy of the proceedings had by the district under the jurisdiction of said board of supervisors, shall be transferred and filed with the clerk of the board of supervisors of the county in which the greater portion of the lands contained in said district are located. All proceedings, petitions, orders or other documents which have been filed with the recorder of the county in which said district was organized, and which, or a certified copy thereof, have not In case of division of a county excluding lands of district.

been recorded in the county to which said district is transferred, shall be certified to by said county recorder and filed for record with the county recorder of the county to which said district has been transferred, and by him recorded in a book kept by him for the purpose of recording instruments and writings relating to said district. The treasurer and the auditor of the county in which said district was organized shall draw their warrant upon said treasurer for all of the funds of such district in the treasury of said county and the said treasurer shall pay such warrant and said funds, together with all unsold bonds of the district and the bond record kept by him, shall be transferred by him to the treasurer of the county to which the district has been so transferred. From and after the transfer in the manner above specified the board of supervisors of the county to which the district is transferred shall have and exercise all of the jurisdiction, power and authority over said district as was theretofore exercised by the board of supervisors of the county wherein such district was originally formed and thereafter any act or duty which is herein required to be done by the board of supervisors or any officer of the county in which said district was organized shall be performed by the corresponding board of supervisors or other official of the county to which said district has been transferred, and in general the said district shall thereafter conduct and manage its affairs through its proper officials and in conjunction with the proper officials of each county in which any of the lands contained in said district are located as though said district was originally organized in the county to which it was transferred.

*Action for
dissolution
of district.*

SEC. 32. An action may be brought by the attorney general in the name of the people of this state, upon his own information, or that of a private party, for the dissolution of any district formed hereunder for a non-user of its corporate powers. In such action the complaint and summons shall be personally served upon said district by delivery of a copy thereof to either the president of the board of directors or the secretary of the district. When service has been made upon the defendant and an appearance has been entered or a default of the defendant entered, the court, upon the application of any of the parties, shall thereupon enter an order fixing a day for a hearing, which shall not be less than twenty-five days from the date of the order and shall, also, enter an order directing notice by publication to be given by the clerk to all persons interested in said district either as the owners of land or interests in land in said district or as creditors of said district, or otherwise, requiring them to be and appear on the day fixed for the hearing and show cause, if any they have, why the district named in the complaint as defendant should not be dissolved. The notice shall be published in some newspaper of general circulation published in each county in which any of the lands contained in said district are located, for a period of not less than twenty days. On the day fixed for a hearing, or

Hearing.

some later date to which the cause may be continued, the court may proceed with the hearing, due proof having been first made of the service of the notice by publication for the length of time required by the order. Any person interested in the district that is defendant, shall, upon showing his interest, be allowed to file an answer or objections to the dissolution of the defendant and shall from the filing of said answer or objections become a party defendant, and be entitled to all the rights of a defendant in any civil action. If upon the trial of any such action it be determined by the court: that the district is not in debt, or if in debt, that all claims are barred by the statute of limitations and that in addition thereto said district, or the board of directors thereof, are not proceeding to place the lands of the district under irrigation and are not exercising the powers of the corporation and have not been so doing for a period of one year prior thereto, the court shall then enter a decree dissolving the corporation, or make such further order as may be deemed necessary to protect the rights of all parties interested.

SEC. 33. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each of said parts thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality of act.

SEC. 34. This act does not change, modify, add to or repeal any other act or law of this state.

Nothing repealed.

CHAPTER 388.

An act to amend section four thousand and seventy-five and section four thousand and seventy-six of the Political Code, relating to the presentation and form of claims against counties.

[Approved June 13, 1913. In effect August 10, 1913.]

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

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

4075. The board of supervisors must not hear or consider any claim in favor of any public officer, person, corporation, company, or association against the county, nor shall the board credit or allow any claim or bill against the county or district fund, unless the same be itemized, giving names, dates and particular services rendered, character of process served, upon whom, distance traveled, where and when, character of work done, number of days engaged, supplies or materials furnished, to whom, and quantity and price paid therefor, duly verified to be correct, and that the amount claimed is justly due, and is presented and filed with the clerk of the board within a year

Claims against counties to be itemized.

after the last item of the account or claim accrued. If, in case of any claim which requires itemizing, the board do not hear or consider the same because it is not itemized, they shall cause notice to be given to the claimant or his attorney of that fact, and give time to have the claim itemized and reverified; *provided*, that the verification of claims may be dispensed with as provided in section four thousand and seventy-six of this code.

SEC. 2. Section four thousand and seventy-six of the Political Code is hereby amended to read as follows:

Presentation of account.

4076. No account shall be passed upon by the board, unless made out as prescribed in this and the preceding section and filed with the clerk three days prior to the time of the meeting of the board at which it is asked to be allowed. Such demand shall be made out in form substantially as follows:

Form of demand.

Clerk's memoranda, No. _____ Fund.

Demand of _____, dated _____, in sum of \$_____, for _____ Allowed by the board of supervisors, _____, 19__ in sum of \$_____.

Attest: _____, Clerk of Board.

Demand of _____

No. _____, _____ Fund _____ Demand on the treasury of the county of _____, State of California, for the sum of _____ dollars, being for _____.

Date.	Items.	Dollars.	Cents.
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	\$-----	-----

Expenditures authorized and approved by me.

STATE OF CALIFORNIA, }
COUNTY OF _____ } SS.

The undersigned, being duly sworn, says: That the above claim and the items as therein set out are true and correct; that no part thereof has been heretofore paid, and that the amount therein is justly due this claimant, and that the same is presented within one year after the last item thereof has accrued.

Subscribed and sworn to before me this _____ day of _____

_____ County Clerk.

Allowed by board of supervisors, _____, 19____,
in sum of \$_____, payable out of _____ fund.

Attest: _____, Clerk of Board of Supervisors.

Countersigned: _____, Chairman Board of Supervisors.

Warrant No. _____.

Approved _____, 19____.

_____, County Auditor.

No. _____ Registered _____, 19____.

_____, County Treasurer.

Said demand shall be approved before filing by the officer Approval.
who directed such expenditure. If said demand be allowed by
the board, the clerk of the board shall detach and file the mem-
orandum, and shall indorse on such demand "Allowed by the
board of supervisors," together with the date of such allow-
ance, the amount of such allowance, and from what fund; shall
attest the same with his signature, and, when countersigned
by the chairman, shall transmit the same to the auditor,
who shall, in case he allows said demand, indorse upon it
"Approved," date, and number of the warrant, and shall,
in attestation thereof, affix his signature thereto and deliver
the same to the claimant; and said demand, when so allowed
and signed by the auditor, shall constitute the warrant on To consti-
tute
warrant.
the treasury, within the meaning of this chapter; *provided*,
however, that whenever a county causes its accounts to be
reorganized in a manner which will enable said county to deter-
mine by its accounts the correctness of claims presented for
payment, the board of supervisors of said county may modify
the form hereinabove prescribed for the submission of claims
by eliminating therefrom the affidavit of claimant and may
dispense with the necessity of such or any affidavit; *provided*,
further, that the board of supervisors of any county may in
their discretion adopt such other form or forms for the submis-
sion and payment of claims and may prescribe such other Super-
visors may
adopt
other
forms.
procedure for the allowance and payment of claims as may better
meet the needs of the particular county, but in such form of
claim so adopted shall provide.

First—For the approval of the officer directing the expendi-
ture.

Second—For the approval of the purchasing agent or other
officer issuing purchase orders, or having charge of contracts
or schedules of salaries under which claims may arise.

Third—For the certificate of the auditor and the board of
supervisors or of the county auditor as to the correctness of
the computations.

Fourth—For the approval of at least one member of the
board of supervisors.

Fifth—For the certificate of a clerk of the board of super-
visors as to the date and amount of allowance of such claim
by the board.

Sixth—For the county auditor's certificate approval.

CHAPTER 389.

An act legalizing the formation and organization of reclamation district number eight hundred two, in the county of Contra Costa, State of California, fixing, defining and establishing the boundaries thereof, providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said state relative to reclamation districts; and repealing all acts and parts of acts inconsistent therewith.

[Approved June 13, 1913. In effect August 10, 1913.]

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

Formation
of reclamation
district
No. 822
confirmed.

SECTION 1. The formation and organization of reclamation district number eight hundred two, in the county of Contra Costa, State of California, by the board of supervisors of the county of Contra Costa, State of California, is hereby approved, confirmed, ratified, legalized and declared valid.

Boundaries.

SEC. 2. The exterior boundaries of said reclamation district number eight hundred two, in the county of Contra Costa, State of California, shall be, and the same are hereby fixed, defined, established and determined, as follows: Beginning at the U. S. segregation corner on the one half ($\frac{1}{2}$) section line running east and west through the center of section thirty (30), township one (1) south, range four (4) east, Mount Diablo base and meridian, said segregation corner being also the southwest corner of the southeast quarter (S.E. $\frac{1}{4}$) of the northwest quarter (N.W. $\frac{1}{4}$) of said section thirty (30); thence east along said one half ($\frac{1}{2}$) section line through sections thirty (30) and twenty-nine (29) to the left bank of Old river; thence down the left bank of Old river, following its meanders, to its junction with the canal known as the Main or Western canal; thence northerly along the west bank of said canal to its junction with Old river; thence down the left bank of Old river following its meanders to its junction with a dredger cut in the southeast quarter (S.E. $\frac{1}{4}$) of section seven (7) township one (1) south, range four (4) east, Mount Diablo base and meridian; thence westerly along the south bank of said dredger cut to its junction with Old river; thence down the left bank of Old river following its meanders, to its junction with Italian slough; thence up the right bank of Italian slough, following its meanders to the intersection of the said right bank of Italian slough with the north line of section twenty-four (24), township one (1) south, range three (3) east, Mount Diablo base and meridian; thence west along the north line of said section twenty-four to the west end of ditcher cut; thence south along west end of said ditcher cut to south edge of levee on south bank of same; thence easterly and southerly along south and east edge of said levee to west bank of scraper ditch about ten chains south and five chains easterly from the north-

west corner of section 24, township 1 south, range 3 east, Mount Diablo base and meridian; thence southwesterly along said west bank of scraper ditch to its intersection with the U. S. segregation line on the south side of the northwest quarter of the northwest quarter of said section 24; thence east along said U. S. segregation line to the U. S. segregation corner, said corner being also the southeast (S.E.) corner of the northwest quarter (N.W. $\frac{1}{4}$) of the northwest quarter (N.W. $\frac{1}{4}$) of said section twenty-four (24); thence south twenty-six hundred forty (2640) feet to the U. S. segregation corner, said corner being also the southwest (S.W.) corner of the northeast quarter (N.E. $\frac{1}{4}$) of the southwest quarter (S.W. $\frac{1}{4}$) of section twenty-four (24) township one (1) south, range three (3) east, Mount Diablo base and meridian; thence east thirteen hundred twenty (1320) feet to U. S. segregation corner, said corner being also the southeast (S.E.) corner of the northeast quarter (N.E. $\frac{1}{4}$) of the southwest quarter (S.W. $\frac{1}{4}$) of section twenty-four (24); thence south thirteen hundred twenty (1320) feet to U. S. segregation corner, said corner being also the southwest (S.W.) corner of the southeast quarter (S.E. $\frac{1}{4}$) of said section twenty-four (24); thence east twenty-six hundred forty (2640) feet to U. S. segregation corner, said corner being also the southeast (S.E.) corner of the southeast quarter (S.E. $\frac{1}{4}$) of said section twenty-four (24), township one (1) south, range three (3) east, Mount Diablo base and meridian; thence south thirteen hundred twenty (1320) feet to U. S. segregation corner said corner being also the southwest (S.W.) corner of the northwest quarter (N.W. $\frac{1}{4}$) of the northwest quarter (N.W. $\frac{1}{4}$) of section thirty (30), township one (1) south, range four (4) east, Mount Diablo base and meridian; thence east thirteen hundred twenty (1320) feet to U. S. segregation corner, said corner being also the southeast (S.E.) corner of the northwest quarter (N.W. $\frac{1}{4}$) of the northwest quarter (N.W. $\frac{1}{4}$) of said section thirty (30); thence south thirteen hundred twenty (1320) feet to U. S. segregation corner, the place of beginning. The number of acres in said district is thirty-four hundred and $\frac{44}{100}$ (3400.44) acres, all in the county of Contra Costa, State of California.

Boundaries.

Acres in district.

SEC. 3. The management and control of said reclamation district number eight hundred two, in the county of Contra Costa, State of California, is hereby made subject to the provisions of the Political Code of the State of California, and other laws of this state relative to reclamation districts formed under the provisions of said Political Code.

Management.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 390.

An act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as section 3489a, relating to reclamation and swamp land districts.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Political Code to be known and numbered as section 3489a and to read as follows:

Change of boundaries of reclamation districts.

3489a. The boundaries of any reclamation and swamp land district now organized or hereafter organized under the provisions of the laws of the State of California may be changed and tracts of land which were included within the boundaries of said district at or after its organization may be excluded therefrom in the manner in this section prescribed; but neither such change of the boundaries of the district nor such exclusion of land from the district shall impair or affect its organization or its right in or to property or any of its rights or privileges of whatever kind or nature; nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which said district was or may become liable or chargeable had such change of its boundaries not been made or had not said land been excluded from the district.

Petition to exclude land.

The owner or owners in fee of one or more tracts of land which constitute a portion of a reclamation or swamp land district may jointly or severally file with the board of supervisors of the county in which the district, or the greater part thereof, is situated, a petition praying that such tract or tracts and any other tracts contiguous thereto may be excluded and taken

Reasons.

from said district. The petition shall state the grounds and reasons upon which it is claimed that such lands should be excluded and shall describe the boundaries thereof and also the land of such petitioner or petitioners which are included within such boundaries. Such petition must be acknowledged in the same manner and form as is required in the case of the conveyance of land and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance. The clerk of the board of supervisors shall cause a notice of the filing of such petition to be published for at least two (2) weeks in some newspaper of general circulation in the district and published in the county where the said district, or the greater part thereof, is situated and if any portion of such territory to be excluded lies within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three (3) public places in said district and in case of the posting of said notices, one of said

Notice of filing of petition.

notices must be so posted on the lands proposed to be excluded. In addition to the notice by publication or posting, as above provided, he shall cause to be mailed a notice to each person owning property within said district by United States mail, postage prepaid, to the post-office address of such landowner. Said notice shall be mailed at least ten (10) days before the day set for said hearing. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition and the prayer of said petition; and it shall notify all persons interested in or who may be affected by such change of the boundaries of the district to appear at the office of said board at a time named in such notice and show cause in writing, if any they have, why the change of the boundaries of said district as proposed in said petition should not be made. The time to be specified in the notice at which they shall be required to show cause shall be at a regular meeting of the board. The board of supervisors at the time and place mentioned in the notice or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioners and all objections to said petition that may or shall be presented in writing by any person showing cause as aforesaid and all evidence and proofs that may be introduced in support of such objections. Such evidence shall be taken down in shorthand and a record made thereof and filed with the board. The failure of any person interested in said district other than the holders of bonds thereof outstanding at the time of the filing of such petition with said board, to show cause in writing why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land or any part thereof from said district; and the filing of such petition with said board as aforesaid shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from said district of the lands mentioned in the petition or any part thereof. The expenses of giving said notice and of the aforesaid proceedings shall be paid by the person or persons filing such petition. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced or if the evidence fails to sustain said petition or if the board deem it not for the best interests of the district that the lands or some portion thereof mentioned in the petition should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deems it for the best interests of the district that the lands mentioned in the petition or some portion thereof be excluded from the district and if no person interested in the district show cause in writing why the said lands or some portion thereof should not be excluded from the district, or if having shown cause, withdraws the same or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board

Notice mailed to owners.

Hearing on petition.

Failure to show cause deemed assent.

Expenses.

to and it shall forthwith make an order that the lands mentioned and described in the petition or some defined portion thereof be excluded from said district; *provided*, that if the holders of the legal title representing ten (10) per cent of the assessed valuation of all the land within said district, as appears from the last preceding assessment roll, file with the board of supervisors of said county written objections to the withdrawal of such land from said district, it shall be the duty of the said board of supervisors to forthwith deny said petition and refuse to exclude said lands from the boundaries of said district. If there be outstanding bonds of the district at the time of the filing of said petition, the holders of such outstanding bonds may give their assent in writing to the effect that they severally consent that the lands mentioned in the petition or such portion thereof as may be excluded from said district by order of said board may be excluded from the district and if said lands or any portion thereof be thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstanding bonds. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. The assent shall be filed with the clerk of said board of supervisors and must be recorded in the minutes thereof and said minutes or a copy thereof certified by the clerk shall be admissible in evidence with the same effect as the assent and a certified copy thereof shall be recorded in the office of the county recorder of each of the counties wherein said lands are situated. In the event said board of supervisors shall exclude any lands from such district upon petition therefor, it shall be the duty of the board of supervisors to cause to be made an entry in the minutes of the board describing the boundaries of the district should the exclusion of said lands from said district change boundaries of said district and for that purpose the board may cause a survey to be made of such portions of the district as the board may deem necessary; and a certified copy of the entry in the minutes of the board excluding any land certified by the clerk of the board shall be filed for record in the recorder's office in each county within which are situated any of the lands of the district, but said district notwithstanding such exclusion shall be and remain a reclamation and swamp land district as fully to every intent and purpose as it would be had no change been made in the boundaries of the district or had the lands excluded therefrom never constituted a portion of the district. Nothing herein provided shall in any manner operate to release any of the lands so excluded from the district from any obligation to pay or any lien thereon or any valid outstanding bonds or other indebtedness of said district at the time of the filing of such petition for the exclusion of said lands, but on the contrary said lands shall be held subject to said lien and unanswerable and chargeable with the payment and discharge of all said

When 10%
of owners
object.

Lands
released
from lien
of out-
standing
bonds by
assent of
holders.

Land
excluded
not
released
from
obligation.

outstanding obligations at the time of the filing of the petition for the exclusion of said land as fully as though said petition for such exclusion were never filed and said order of exclusion never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of said district the same as though said petition for its exclusion had never been filed or said order of exclusion never made, and all provisions which may have been resorted to to compel the payment by said land of its quota and portion of said outstanding obligation had such exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said land of its quota and portion of such outstanding obligations of said district for which it is liable but said land so excluded shall not be held answerable or chargeable for any obligation of any nature or kind whatever incurred after the filing with the board of supervisors of the petition for the exclusion of said lands from the said district; *provided*, that the provision of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from said district, as hereinbefore provided. The boundaries of any district now organized or hereafter organized may be changed in the manner herein prescribed, but such change of the boundaries of the district shall not impair or affect its organization or its rights in or to property or any of its rights or privileges of whatever kind or nature; nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made.

Change of boundaries does not impair organization.

CHAPTER 391.

An act to authorize the state board of health to purchase, or prepare, and distribute, free of cost, to certain persons, anti-rabic virus, and making an appropriation therefor.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. The state board of health is hereby empowered and directed to purchase, or prepare, and distribute free of cost, under such regulations as may be necessary, anti-rabic virus to be used in the treatment of persons exposed to rabies when said persons shall declare that it would be a hardship for them to pay for anti-rabic treatment.

Board of health to purchase anti-rabic virus

SEC. 2. The sum of five thousand dollars is hereby appropriated for the purposes of this act.

Appropriation.

SEC. 3. The state controller is hereby authorized to draw his warrant for the same, and the state treasurer is hereby authorized to pay the same.

CHAPTER 392.

An act amending sections one and three of an act entitled, "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to erections and buildings, approved March 28, 1876,' " (approved March 22, 1909).

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1 of an act entitled, "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to erections and buildings,' approved March 28, 1876, (approved March 22, 1909)," is hereby amended to read as follows:

State construction under direction of engineering department.

Section 1. Whenever provision is made by law for the erection, construction, alteration, repair or improvement of any state structure, building, or other state improvement of any kind excepting improvements on the property of the state on the water front of the city and county of San Francisco under the jurisdiction of the board of state harbor commissioners, the total cost of which will exceed the sum of one thousand dollars, the same shall be under the sole charge and direct control of the department of engineering. Said department, before entering into any contract for the erection, construction, alteration, repair or improvement of any state structure, building, or other state improvement of any kind, shall prepare full, complete and accurate plans and specifications and estimates of cost, giving such directions for the same as will enable any competent mechanic or other builder to carry them out. The plans, specifications and estimates of cost must be approved by the advisory board of the department of engineering and the original draft thereof filed permanently in the office of the department of engineering before further action is taken.

Plans.

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Opening of bids and awarding of contract.

Section 3. On the day named in said public notice the department of engineering shall proceed to publicly open said sealed bids, and shall award such contract or contracts to the lowest responsible bidder or bidders. All bids shall be presented under sealed cover and shall be accompanied by cash, a bidder's bond, or a certified check made payable to the state engineer, for an amount equal to at least ten per cent of the amount of said bid and no bid shall be considered unless such

cash, bond or check is enclosed therewith. Should the successful bidder to whom the contract is awarded fail to execute the same, such cash, bond or check shall be forfeited to the State of California and the same shall be the property of the state. All other cash, bonds and certified checks shall within ten days after the date of the public opening of said bids, be returned to the unsuccessful bidders who submitted the same. Such contract or contracts shall not be binding on the state until they are submitted to the attorney general and by him found to be in accordance with the provisions of this act, and his certificate thereon to that effect made. If in the opinion of such department of engineering the acceptance of the lowest responsible bid or bids shall not be for the best interests of the state, it may be lawful for them to reject all bids and advertise for others in the manner aforesaid. But after the approval of the plans, specifications and estimates of costs by the advisory board of the department of engineering, if, in the opinion of such department of engineering the acceptance of any bid or bids shall not be for the best interests of the state, or if in the opinion of such department of engineering the acceptance of any further bids after the rejection of all bids submitted shall not be for the best interests of the state, it may be legal for them to direct that the erection, construction, alteration, repair, or improvement of any state structure, building, or other state improvement of any kind, except as provided in section one of this act, shall be done by day's labor, under the direction and control of the department of engineering. Upon the approval of the advisory board, the state engineer may, when proceeding upon the basis of day's labor, let any subdivision of said work by contract upon informal bids, provided no such contract shall be entered into for a sum in excess of the lowest responsible bid received and rejected for such portion of said work. All contracts shall provide that such department of engineering may, as hereinafter provided, and on the conditions stated, make any change in the plans and specifications. Certified copies of such contracts shall be filed with the controller and the board of examiners.

Contracts submitted to attorney general.

Changes in plans.

CHAPTER 393.

An act to amend sections two, three, four and five of an act entitled "An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section two of an act entitled "An act to provide a system of street improvement bonds to represent certain

assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893, is hereby amended to read as follows:

Bonds for
street
work.

Section 2. The city council of any municipality in this state shall have the power, in its discretion, to determine that serial bonds shall be issued in the manner and form hereinafter provided to represent assessments of twenty-five dollars or more for the cost of any work or improvement authorized by the said street work act. Said serial bonds shall extend over a period not to exceed fifteen years from the second day of January next succeeding the issuance of said bonds, and an even annual proportion of the principal sum thereof shall be payable by coupon on the second day of January every year after their date until the whole is paid; *provided*, that if the period over which said bonds are to extend exceeds ten years, one tenth part of the principal sum thereof shall be payable by coupon on the second day of January of each of the last ten years of said period. The interest on said bonds shall be payable semiannually by coupon on the second days of January and July respectively, of each year, at the rate of not to exceed ten per cent per annum on all sums unpaid, until the whole of said principal and interest is paid. Said bonds and interest thereon shall be paid at the office of the city treasurer of said municipality, who shall keep a fund designated by the name of said bonds, into which he shall receive all sums paid him for the principal of said bonds and the interest thereon, and from which he shall disburse such sums upon the presentation of said coupons; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office which shall show the series, number, date, amount, rate of interest, payee and endorsees of each bond, and the number and amount of each coupon of principal or interest paid by him, and shall cancel and file each coupon so paid.

Interest.

Treasurer's
register.

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

Resolution
of inten-
tion and
description
of bonds

Section 3. When said city council shall determine that serial bonds shall be issued to represent the expenses of any proposed work or improvement under said street work act, it shall so declare in the resolution of intention to do said work, and shall specify the rate of interest which they shall bear and the period of time over which they are to extend. A like description of said bonds shall be inserted in the notice of award, and a notice that a bond will issue to represent each assessment of twenty-five dollars or more remaining unpaid for thirty days after the date of the warrant, or such further time as may be thereafter granted by way of an extension, or five days after the decision of the city council upon an appeal, or thirty days after the recording of a reassessment in the event that one be made, and describing the bonds, shall be included in the warrant provided for in section nine of said street work act.

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

Section 4. After the full expiration of thirty days from the date of the warrant, or if an appeal be taken to the city council, or an extension of time be granted the contractor in which to make his return as provided in section 10 of said street work act, then five days after the final decision of said city council, or the expiration of the extension, or after the full expiration of thirty days from the recording of a reassessment in the event that such be made, and after the street superintendent shall have recorded the return, and in the event that a reassessment is ordered, after all previous payments have been credited on the reassessment, the street superintendent shall make and certify to the city treasurer a complete list of all assessments unpaid, which amount to twenty-five dollars or over upon any assessment or diagram number: and said treasurer shall thereupon make out, sign and issue to the contractor, or his assigns, payee of the warrant and assessment, a separate bond, representing upon each lot or parcel of land upon said list the total amount of the assessments, or reassessments as the case may be, against the same as thereon shown. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, upon the official map of said municipality, or upon any map on file in the office of the county recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map. Said bond shall be substantially in the following form:

Certificate of assessments unpaid.

STREET IMPROVEMENT BOND.

Form of bond.

Series (designating it) in the city (or other form of municipality) of (naming it).

\$ _____ No. _____

Under and by virtue of an act of the legislature of the State of California (title of said act), I, out of the fund for the above designated street improvement bonds, series _____, will pay to _____, or order, the sum of _____ dollars, (\$ _____), with interest at the rate of _____ per cent per annum, all as hereinafter specified, and at the office of the treasurer of the _____ of _____, State of California.

This bond is issued to represent the cost of certain street work upon _____ in the _____ of _____, as the same is more fully described in assessment No. _____, issued by the street superintendent of said _____, after acceptance of said work, and recorded in his office (or if there has been a reassessment then the reference shall be to such reassessment). Its amount is the amount assessed in said assessment (or reassessment if such be made) against the lot or parcel of land numbered therein, and in the diagram attached thereto, as No. _____, and which now remains unpaid, but until paid, with accrued interest, is a first lien

upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit:

That certain lot or parcel of land in said ----- of -----, county of ----- and State of California, described as follows:

This bond is payable exclusively from said fund and neither the municipality nor any officer thereof is to be holden for payment otherwise for its principal or interest. The term of this bond is ----- years from the second day of January next succeeding its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year after its date an even annual proportion of its whole amount is due and payable upon presentation of the coupon therefor until the whole is paid (or if said bonds are to extend over a period exceeding ten years from their date, insert in place of the last statement the following: But on the second day of January of each of the last ten years of the term of this bond an even one tenth part of the whole amount of the principal of said bond shall be due and payable upon presentation of the coupon therefor,) with all accrued interest at the rate of ----- per centum per annum. The interest is payable semiannually, to wit: on the second days of January and July in each year hereafter, upon presentation of the coupons therefor, the first of which is for the interest from date to the next second day of -----, and thereafter the interest coupons are for semiannual interest. Should default be made in the annual payment upon the principal, or in any payment of interest, by the owner of said lot or parcel of land, or anyone in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law.

At said ----- of -----, this ----- day of ----- in the year one thousand nine hundred and -----.

City treasurer of the ----- of -----.

When
unpaid
assessment
is less than
\$25.

In case the amount of the unpaid assessment or reassessment upon any lot or parcel of land shall be less than twenty-five dollars, then the same shall be collected as is provided in said street work act. If any person, or his authorized agent, shall at any time before the issuance of the bond for said assessment or reassessment upon his lot or parcel of land present to the city treasurer his affidavit made before a competent officer, that he is the owner of a lot or parcel of land in said list, accompanied by the certificate of a searcher of records that he is such owner of record, and shall with such affidavit and certificate notify said treasurer in writing that he desires no bond to be issued for the assessment upon said lot or parcel of land, then no such bond shall be issued therefor and the payee of the warrant, or his assigns, shall retain his right for enforcing collection of said assessment or reassessment as if said lot or parcel of land had not been so listed by

the street superintendent. The bonds so issued by said treasurer shall be payable to the party to whom they issue, or order, and shall be serial bonds, as is hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work. They shall have annual coupons attached thereto, payable in annual order on the second day of January in each year after the date of the bonds until all are paid, or if the term of said bonds be more than ten years, then said coupons shall be payable on the second day of January of each of the last ten years of the term of the bonds; and each coupon shall be for an even annual proportion of the principal of the bond. They shall have semiannual interest coupons thereto attached, the first of which shall be payable upon the second day of January or July, as the case may be, next after its date, and shall be for the interest accrued at that time, and the rest of which shall be for the semiannual interest accruing from the second day of January or July, as the case may be. The owner of, or any person interested in, any lot or parcel of land upon which a bond has been issued, under the terms of this act, may at any time pay off such bond and discharge his land from the lien of the assessment, by paying to the city treasurer for the holder of such bond the amount then unpaid on the principal sum thereof, and all interest thereon which has accrued and is unpaid, together with the semiannual installment of interest which will next become due thereafter, and in addition thereto, interest for two years at the rate specified in the bond upon the unpaid amount of the principal. The treasurer shall thereupon make an entry upon his bond register that such bond has been paid in full. When all the coupons of principal and interest are paid or the bond is surrendered or satisfied, the city treasurer shall report the fact to the street superintendent, who shall forthwith endorse the same on the margin of the record of the assessment to the credit of which the same is paid. The assessment upon which a bond is issued shall be a first lien upon the property affected thereby until the bond issued for the payment thereof and the accrued interest thereon shall be fully paid. Said bonds by their issuance shall be conclusive evidence of the regularity of all proceedings leading up thereto under said street work act and under this act, and of the validity of said lien.

Serial bonds.

Coupons.

Interest coupons.

Owner may pay off bond at any time.

Assessment first lien.

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

Section 5. Whenever, through the default of the owner of any lot or parcel of land to represent the assessment upon which such bond has been, or may hereafter be, issued, any payment, either upon the principal, or of the interest, has not been, or shall not be, made when the same has become, or shall become due, and the holder of the bond thereupon demands, in writing, that the said city treasurer proceed to advertise and sell said lot or parcel of land as herein provided, then the whole bond or its unpaid remainder, with its accrued interest,

Failure to pay interest and principal on bonds as due.

as expressed in said bond, shall become due and payable immediately, and on the day following shall become delinquent.

Publi-
cation of
notice
of delin-
quency.

Subdivision a. Upon the application of the holder of any bond that is now or shall hereafter become delinquent as provided in this section, the said city treasurer shall publish for two weeks in a newspaper of general circulation, to be designated by him, published in the city where his office is situated, a notice which must contain the date, number, and series of the delinquent bond, a description of the property mentioned in said bond and the name of the owner of such property (if known), and if unknown, the fact shall be so stated, the amount due thereon, and a statement that unless the amount of said bond and the interest thereon, together with the cost of publication of such notice are paid, the real property described in said bond will be sold at public auction on a day to be therein fixed, which shall not be less than fifteen nor more than thirty days from the date of the first publication of said notice, and the place of such sale, which must be the office of the said city treasurer.

Affidavit
of publi-
cation.

Subdivision b. The city treasurer, before the day of sale hereinafter provided for, must file with the city clerk a copy of the publication, with an affidavit of the publisher of such newspaper or some one in his behalf, attached thereto, that it is a true copy of the same; that the publication was made in a newspaper, stating its name and place of publication and the date of each appearance in which the said publication was made, which affidavit is primary evidence of all the facts stated therein.

Cost of
publi-
cation.

Subdivision c. The city treasurer must collect, in addition to the amount due on such bond, the cost of publication of such notice, and fifty cents for the certificate of sale, as hereinafter provided.

Owner
may pay
before sale.

Subdivision d. At any time prior to the sale, the owner or person in possession of any real estate offered for sale under the provisions of this act may pay the whole amount of said bond then due, with costs, and such bond shall thereupon be canceled; but in case such payment is not made by such owner, or person in possession, or by some one in behalf of such owner, or person in possession, the property subject thereto shall be sold as herein provided.

Sale of
property.

Subdivision e. At the sale, the property described in the bond shall be sold to the purchaser who will take the least amount thereof and pay the amount due on the bond together with penalties and costs.

Record
kept by
city
treasurer.

Subdivision f. The city treasurer, before delivering any certificate, must, in a book kept in his office for that purpose, enter the date, number, and series of the bond, a description of the land sold corresponding with the description of the certificate, the date of sale, purchasers' name, the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours when not in actual use, and he shall enter on the record

of the bond the words "Canceled by sale of the property," giving the date of such sale.

Subdivision g. Immediately on the sale, the purchaser shall become vested with a lien on the property, so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the city treasurer of the purchase money, including costs herein provided for, with interest thereon at the rate of one per cent per month from the date of sale. Purchaser vested with lien.

Subdivision h. A redemption of the property sold may be made by the owner of the property, or any party in interest, within twelve months from the date of purchase, or at any time prior to the application for a deed, as hereinafter provided. Redemption of property.

Subdivision i. Redemption must be made in lawful money of the United States, and when made to the city treasurer he must mark the word "Redeemed," the date and by whom redeemed on the margin of the book where the entry of the certificate is made, and credit the amount paid to the purchaser named in the certificate, and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of an assignment thereof, if any.

Subdivision j. If the property is not redeemed within the time allowed by subdivision *h* hereof for its redemption, the city treasurer, or his successor in office, upon application of the purchaser or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed, substantially, the matter contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption; the treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the city treasury for the use of the city after payment has been made therefrom for the acknowledgment of said deed; *provided, however,* that the purchaser of the property, or his assignee must, thirty days prior to the expiration of the time of the redemption, or thirty days before his application for a deed, serve upon the owner or agent of the property purchased, if named in such certificate, and upon the party occupying the property, if the property is occupied, a written notice, stating that said property or a portion thereof, has been sold to satisfy the bond lien, the date of sale, the date number, and series of the bond, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties and costs in this act required. In case of unoccupied property, a similar notice must be posted in a conspicuous place upon the property at least thirty days before the expiration of the time for redemption, or thirty days before the purchaser applies for a deed; and no deed to the property sold, in accordance with the provisions of this act, shall be issued by the city treasurer to the Deed to purchaser.

Notice to owner prior to expiration of time.

Notice posted.

purchaser of such property, until such purchaser shall have filed with such treasurer an affidavit showing that the notice hereinbefore required to be given has been given as herein required, which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be entitled to receive the sum of fifty cents for his service of such notice and the making of said affidavit, which sum of fifty cents shall be paid by the redeemer at the time and in the same manner as the other sums, costs and fees are paid.

Purchaser's fee for notice.

Deed evidence of regularity.

Subdivision k. The deed, when duly acknowledged or proved, is primary evidence of the regularity of all proceedings theretofore had, and conveys to the grantee the absolute title to the lands described therein, as of the date of the expiration of the period for redemption, free of all incumbrances, except the lien for state, county and municipal taxes.

CHAPTER 394.

An act to amend section one thousand two hundred and thirty-nine of the Code of Civil Procedure of the State of California relating to the classification of the estates and rights in lands subject to be taken for public use.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section twelve hundred thirty-nine of the Code of Civil Procedure of the State of California relating to the estates and rights in lands subject to be taken for public use is hereby amended to read as follows:

Classification of rights in land subject to be taken for public use.

1239. The following is a classification of the estates and rights in lands subject to be taken for public use:

1. A fee simple, when taken for public buildings or grounds, or for permanent buildings, for reservoirs and dams, and permanent flooding occasioned thereby, or for an outlet for a flow, or a place for the deposit of debris or tailings of a mine, or for the protection of water-bearing lands from draught therefrom of any character whatsoever from any adjacent lands, or when the property is taken by any mutual water system, county, city and county, or incorporated city or town or a municipal water district, or other political subdivision.

Easement.

2. An easement, when taken for any other use; *provided, however,* that when the taking is by a municipal corporation, and is for the purpose of constructing, equipping, using, maintaining or operating any works, road, railroad, tramway, power plant, telephone line, or other necessary works or structures, for the preparation, manufacture, handling or transporting of any material or supplies required in the construction or completion by such municipal corporation of any public work, improvement, or utility, a fee simple may be taken if the legislative body of such municipal corporation shall, by resolu-

tion, determine the taking thereof to be necessary; and *provided, further*, that, when any land is taken for the use of a by-pass, or drainage way, or overflow channel, or a levee, or an embankment, or a cut required by the plans of the California debris commission referred to in that certain act of the legislature, entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission, and to make reports thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its power," approved December 24, 1911, or any modifications or amendments that may be adopted to the same, either a fee simple or easement may be taken as the reclamation board shall by resolution determine may be necessary. Such resolution shall be conclusive evidence that a taking of a fee simple or easement, as the case may be, is necessary.

3. The right of entry upon and occupation of lands, and the right to take therefrom such earth, gravel, stones, trees, and timber as may be necessary for some public use. Right of entry.

CHAPTER 395.

An act providing for the free use of all public schoolhouses and property and to establish a civic center at each and every public schoolhouse in the State of California, and to provide for the maintenance, conduct and management of the same.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby established a civic center at each and every public schoolhouse within the State of California, where the citizens of the respective public school districts within the said State of California may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any and all subjects and questions which in their judgment, may appertain to the educational, political, economic, artistic and moral interests of the citizens of the respective communities in which they may reside; *provided*, that such use of said public schoolhouse and grounds for said meetings shall in no wise interfere with such use and occupancy of said public schoolhouse and grounds as is now, or hereafter may be required for the purposes of said public schools of the State of California.

SEC. 2. *Lighting, heating, janitor service and the services*

Fighting,
heating,
janitor ser-
vice, etc.

of a special supervising officer when needed, in connection with such use of public school buildings and grounds as set forth in section one of this act, shall be provided for out of the county or special school funds of the respective school districts in the same manner and by the same authority as such similar services are now provided for. Such use of the said schoolhouses, property and grounds shall be granted free; *provided*, that in case of entertainments where an admission fee is charged, a charge may be made for the use of said schoolhouses, property and grounds.

Control
of civic
center.

SEC. 3. The management, direction and control of said civic center shall be vested in the board of trustees or board of education of the school district. Said board of trustees or board of education shall make all needful rules and regulations for conducting said civic center meetings and for such recreational activities as are provided for in section one of this act; and said board of trustees or board of education may appoint a special supervising officer who shall have charge of the grounds, preserve order, protect the school property and do all things necessary in the capacity of a peace officer to carry out the provisions and the intents and purposes of this act.

CHAPTER 396.

An act amending section two of an act entitled "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to erections and buildings, approved March 28, 1876,' " approved March 22, 1909.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section two of an act entitled, "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to erections and buildings,' approved March 28, 1876, (approved March 22, 1909)," is hereby amended to read as follows:

Letting of
contract
after pub-
lic notice.

SEC. 2. Said department of engineering shall after the approval and filing of plans, specifications and estimates of cost, as in this act required, let such work by contract to the lowest responsible bidder or bidders upon public notice which shall be given as follows: Notice of such work must be published once a week for three consecutive weeks next preceding the day set for the receiving of bids in two trade papers of general circulation one published in Los Angeles and one in San

Francisco, devoted primarily to the dissemination of contract and building news among contracting and building material supply firms; *provided*, that in the record kept for that purpose the state engineer shall register any one desiring to be so registered for the purpose of becoming a prospective bidder upon state work, which registration shall be renewed on or before the beginning of each fiscal year, and whenever any state work is to be let by contract the state engineer shall cause a notice of the same to be mailed to each of the addresses so registered at least twenty-five days prior to the date set for the receiving of bids. In each case such notice must state the time and place for the receiving and opening of sealed bids and must also state that the bids will be required for the entire work and also, when advisable, for the performance of segregate parts of the entire work, such segregation to be determined by the department of engineering and designated in such notice.

Register of prospective bidders.

CHAPTER 397.

An act appropriating money for additional salaries at Los Angeles State Normal School for the sixty-fourth fiscal year.

[Approved June 7, 1913. In effect immediately.]

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

SECTION 1. The sum of eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the payment of additional salaries at Los Angeles State Normal School for the sixty-fourth fiscal year.

Appropriation: additional salaries, Los Angeles normal.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

Current expenses.

CHAPTER 398.

An act to provide for the survey and construction of a state highway from Saratoga Gap, on the line between the counties of Santa Clara and Santa Cruz, to, into and within California Redwood Park in Santa Cruz county, and making an appropriation therefor.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of

Appropriation: state highway, Saratoga Gap to Bloom's mill.

seventy thousand dollars for the survey and construction of a state highway from a point known as Saratoga Gap on the line between the counties of Santa Clara and Santa Cruz, extending thence by the most practicable route in a generally southwesterly direction along the ridge between the San Lorenzo and Pescadero creeks to the present boundary of the California Redwood Park, thence into the California Redwood Park in Santa Cruz county to Governor's Camp, and thence through said park to the boundary thereof at Bloom's mill.

Right of way.

SEC. 2. No portion of this appropriation shall be available until a strip of land or right of way not less than two hundred feet in width for said road, along said route from the Santa Clara county line to the present boundary of said California Redwood Park has been deeded to or otherwise acquired by the State of California to form a part of said California Redwood Park.

Work under department of engineering.

SEC. 3. The work of locating, surveying and constructing said highway is hereby placed under the management of the state department of engineering, and it shall be the duty of the said department to locate, survey and construct said road along the route herein mentioned, subject to the approval of said California Redwood Park commission.

SEC. 4. The state controller is hereby directed to draw his warrant in such sums and at such times as the state engineer may present claims therefor and the state treasurer is hereby directed to pay the same.

CHAPTER 399.

An act providing for the construction and equipment of a laboratory building for the use of the department of agriculture of the University of California in any or either of the counties of Los Angeles, Riverside, Orange, San Bernardino, San Diego, Imperial, Ventura, or Santa Barbara, and making an appropriation therefor.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation: laboratory University of California department of agriculture.

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the regents of the University of California, and to be used by them in the construction of a laboratory building for the department of agriculture of the University of California, and in the equipment thereof. Said laboratory building shall be constructed upon lands donated or purchased for the use of the said department of agriculture in any or either of the counties of Los Angeles, Riverside, Orange, San Bernardino, San Diego, Imperial, Ventura, or Santa Barbara.

In southern county.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of said the regents of the University of California for the moneys herein appropriated, at such time and in such manner as the expenditure of the same shall be required, and the state treasurer is hereby directed to pay said warrants.

CHAPTER 400.

An act appropriating money for building and furnishing a cottage for female working patients at Agnews State Hospital.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of sixty thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for building and furnishing a cottage for female working patients at the Agnews State Hospital. Not more than the sum of seventy-five hundred dollars of the amount herein appropriated shall be used for furnishing said building.

Appropriation: cottage for female working patients. Agnews.

CHAPTER 401.

An act to establish a state training school for girls; to provide for the maintenance and management of the same, and to make an appropriation therefor.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby established a state training school for the confinement, discipline, and instruction of such girls as may be committed to it by law, to be known as the California school for girls.

California school for girls.

SEC. 2. The government and management of said school shall be vested in a board of five trustees, who shall be appointed by the governor for a term of four years and until their successors are appointed and qualified; *provided*, that of the trustees first appointed two shall be for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year, commencing within thirty days after this act becomes effective. Whenever a vacancy occurs the appointment to fill the same shall be made by the governor for the remainder of the term. Such trustees shall receive no

Trustees.

Vacancies.

compensation for their services, but shall be allowed their reasonable traveling and other official expenses.

Officers

SEC. 3 The board of trustees shall elect annually from their own number a president, vice-president, and secretary, whose terms of office shall be one year, or until their successors are elected and qualified. The board shall appoint a superintendent, not of their own number, who shall be a woman qualified by training and experience for the character of work to be done at this school, and fix her salary at not to exceed twenty-four hundred dollars per annum. Such superintendent shall hold office at the pleasure of the board.

Rules and regulations.

SEC. 4. The board of trustees shall make all needful rules and regulations for the transaction of its business and for the management and government of said school. It shall determine the number, title and duties of all other officers and employees, and fix the salaries thereof. It shall see that discipline is maintained and that proper education is provided, to the end that those committed to its charge shall be prepared to become honorable, self-supporting members of society. It is authorized and required to make all contracts for the operation and maintenance of said school that may be necessary, subject to the limitations prescribed by law.

Not to be interested in contract.

SEC. 5. No trustee or employee of such school shall be interested personally, directly or indirectly, in any contract, purchase or sale made, or any business carried on in behalf of, or for such institution, and any money so paid on such contracts or sales may be recovered by civil suit, and it shall be the duty of the governor or the board of trustees, as the case may be, upon proof of the fact of such interest, to remove immediately such trustee or employee.

Superintendent's bond, duties, etc.

SEC. 6. The superintendent shall, before entering upon the discharge of her duties, make and file with the board of trustees an oath that she will faithfully and impartially discharge the same, and file a bond in the sum of ten thousand dollars running to the state of California, and with sureties to be approved by said board, conditioned upon the faithful performance of her said duties. She shall thereupon, subject to the regulations prescribed by the board, be invested with the custody of the lands, buildings and all other property belonging to and under the control of said school, subject to the direction of said board, and shall account to it in such manner as it may require for all property entrusted to her and all moneys received by her as such superintendent, for said school or any of its inmates. She shall appoint, except as hereinbefore provided, all officers and employees of said school, who shall hold office at her pleasure.

Bond of officers.

SEC. 7. The board of trustees shall require such officers as may be entrusted with money belonging to the school or its inmates, or as may be placed in a position of trust and responsibility in the custody of property, or in the handling of supplies belonging to the school, to give bond with sureties to be approved by the board, in such sum as it may determine,

conditioned upon the faithful performance of the duties required and the faithful accounting for all money and property coming into their hands, or under their control, by virtue of such office.

SEC. 8. The board of trustees shall cause said school to be conducted as may seem best calculated to carry out the intentions of this act. There shall be organized a course of study corresponding as far as practicable with the course of study in the public schools of the state. There shall also be provided in said school the proper facilities and equipment for vocational training such as domestic science, dressmaking, horticulture, agriculture and such business instruction as may be practicable for women, and such instruction and training given to each and every inmate committed to said school to the end that every inmate may, upon discharge, be qualified for honorable and profitable employment.

Conduct of school.

SEC. 9. The superintendent shall reside at the school and shall be furnished suitable quarters, furniture, food supplies, and laundry for herself and family. The board may make similar provision for such other officers and employees as the interests of the school may require to reside on the premises

Superintendent to reside at school.

SEC. 10. The said school shall receive into its custody all girls who may be committed to it in accordance with law.

Commitments.

SEC. 11. There shall be established in said school a system of marking based upon merit or attainments and general conduct, by which any girl committed hereto may work out her way to parole and honorable discharge. When, in the opinion of the superintendent, a girl, according to the regulations, has earned the right to a parole, a reputable home or place of employment shall be provided for her, where she may be employed and earn an honorable living, and said superintendent shall then recommend her to the board for parole, which shall grant it if deemed for her welfare, under such conditions as the board may deem best. This parole shall continue until she has proved her ability for honorable self-support, whereupon she shall be discharged. Any girl, who, while on parole, violates the conditions thereof, may be returned to the school.

Merit system.

Parole.

SEC. 12. Any girl committed to said school who, after due trial, is, in the opinion of the superintendent, incapable of reformation, or so morally deficient as to render her detention detrimental to the interests of said school, or who has misrepresented her age to the court which committed her, or has been previously convicted of a felony may be returned to the committing court, and said court may thereupon revoke the previous judgment committing her to said institution and resume proceedings where the same were suspended when such commitment was made.

Girls incapable of reformation.

SEC. 13. Any person who knowingly permits or aids any inmate to escape from said school, or conceals her with the intent of enabling her to elude pursuit, shall be guilty of a misdemeanor. Any fugitive from said school, or from the parties with whom she has been placed on parole, may be

Aiding inmate to escape.

arrested and returned to said school by any person, upon written order of said superintendent.

Commis-
sion on
location.

SEC. 14. A commission consisting of the state engineer and four members to be appointed by the governor, is hereby created, and it shall, as soon as practicable, with the approval of the board of control, establish a location for said school, purchase a site therefor to consist of not less than one hundred acres of good agricultural land, and the state department of engineering shall, in conformity to law, erect, construct and equip the necessary buildings therefor. For the purposes of paying the expenses of the provisions incurred by this act there is hereby appropriated out of the state treasury the sum of two hundred thousand dollars, one half of which shall be available immediately after this act becomes effective, and one half available January 1st, 1914.

Appropriation.

Trustees
to have
control of
girls'
depart-
ment at
Whittier.

SEC. 15. Immediately after this act becomes effective, or as soon thereafter as a majority of the persons appointed as trustees shall have qualified and organized the said board, it shall take possession of and assume the control and management of the girls' department of the Whittier State School, and the board of trustees of the Whittier State School shall turn over to the board of trustees of the California school for girls hereby created, the custody and management of said girls' department, including the buildings now occupied by, and all property, records and papers now used by or belonging to, said girls' department, or any of its inmates. When the said school for girls is located and the buildings constructed ready for occupancy, the board of trustees of said school for girls shall remove all girls from the said girls' department of the Whittier State School, whereupon all buildings and property, except such personal property as has been purchased for the express use of the girls, shall revert to the Whittier State School.

Control-
ler's war-
rant.

SEC. 16. The controller of the state is hereby directed on requisition of said board, duly audited by the state board of control, to draw his warrant on the state treasurer in favor of said board for any moneys duly appropriated to pay for the necessary expenditures in the establishment and maintenance of said school, and the said treasurer is directed to pay the same from the appropriations provided therefor.

Construc-
tion of
act.

SEC. 17. This act shall be construed in conformity with the intent as well as the express provisions thereof, and shall confer upon the board authority to do all those lawful acts which it deems necessary to promote the prosperity of the school and the well being and education of its inmates, including the organization of trade schools, purchase of materials for use therein, the doing of all other things, not prohibited, which are required to carry out the purposes of this act. The board is further authorized to pay those committed to said school small weekly or monthly sums in lieu of clothing and other necessary articles, if in its judgment, such a course would better promote discipline and training. Nothing herein contained however,

Pay to
inmates
authorized.

shall permit said board to incur any indebtedness in excess of the appropriations allowed by law for the establishment of said school.

SEC. 18. It is the purpose of this act that the school hereby established shall supersede and supplant the girls' department of the Whittier State School and that all commitments of girls authorized by law shall be made to the California school for girls, but girls so committed shall be kept under the control of the said California school for girls at the present girls' department of the Whittier State School until the school provided for by this act is ready for the reception of girls.

Girls' department at Whittier superseded.

CHAPTER 402.

An act providing for the construction and equipment of a residence, barns and necessary small buildings for the use of the department of agriculture of the University of California, in any or either of the counties of Los Angeles, Riverside, Orange, San Bernardino, San Diego, Imperial, Ventura, or Santa Barbara, and making an appropriation therefor.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of twenty-five thousand (\$25,000) dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the regents of the University of California, to be by them expended in the construction and equipment of a residence, barns and necessary small buildings for the department of agriculture of said university. Said residence, barns and necessary small buildings shall be constructed upon lands donated or purchased for the use of said department of agriculture in any or either of the counties of Los Angeles, Riverside, Orange, San Bernardino, San Diego, Imperial, Ventura, or Santa Barbara.

Appropriation: residence, etc., University of California department of agriculture.

In southern county.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of said, the regents of the University of California for moneys herein appropriated, at such time and in such manner as the expenditure of the same shall be required, and the state treasurer is hereby directed to pay said warrants.

CHAPTER 403.

An act appropriating money for the purchase of manual training furniture and equipment at San Jose State Normal School.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation:
manual
training
equipment,
San Jose
normal.

SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the purchase of manual training furniture and equipment at San Jose State Normal School.

CHAPTER 404.

An act appropriating money for remodeling north pay cottage at Napa State Hospital.

[Approved June 4, 1913. In effect August 10, 1913.]

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

Appropriation:
remodeling
north pay
cottage,
Napa
hospital.

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for remodeling north pay cottage at Napa State Hospital.

CHAPTER 405.

An act appropriating money for the construction and equipment of a laundry building at Napa State Hospital.

[Approved June 9, 1913. In effect August 10, 1913.]

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

Appropriation:
laundry,
Napa
hospital.

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the construction and equipment of a laundry building at Napa State Hospital.

CHAPTER 406.

An act appropriating money for the purchase and installation of one or more steam boilers at Napa State Hospital.

[Approved June 7, 1913. In effect August 10, 1913.]

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

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

money in the state treasury not otherwise appropriated to be used in accordance with law for the purchase and installation of one or more steam boilers at Napa State Hospital.

Appropriation: steam boilers, Napa hospital.

CHAPTER 407.

An act appropriating money for the construction of six additional cottage units and living and dining-room at the Napa State Hospital.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the construction of six additional cottage units and living and dining-rooms at Napa State Hospital.

Appropriation: cottage units, Napa hospital.

CHAPTER 408.

An act appropriating money to reconstruct and add to the steam heating system at the Napa State Hospital.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for reconstructing and adding to the steam heating system at the Napa State Hospital.

Appropriation: steam heating system, Napa hospital.

CHAPTER 409.

An act appropriating money for the construction of lavatories for companies G and E at the Veterans' Home of California.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of twelve hundred fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the construction of lavatories for companies "G" and "E" at the Veterans' Home of California.

Appropriation: lavatories, Veterans' Home.

CHAPTER 410.

An act appropriating money for painting buildings at the Veterans' Home of California.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation:
painting
buildings.
Veterans'
Home.

SECTION 1. The sum of seventy-five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for painting buildings at the Veterans' Home of California.

CHAPTER 411.

An act appropriating money for general repairs to buildings at the Veterans' Home of California.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation:
repairs,
Veterans'
Home.

SECTION 1. The sum of thirteen thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for general repairs to buildings at the Veterans' Home of California.

CHAPTER 412.

An act to amend section one of an act entitled "An act to provide for the completion of septic tank and the relaying of mains and laterals leading thereto and therefrom at the Veterans' Home of California, located at Yountville, Napa county, and making an appropriation therefor," approved April twenty-first, nineteen hundred and eleven.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. Section one of an act entitled "An act to provide for the completion of septic tank and the relaying of mains and laterals leading thereto and therefrom at the Veterans' Home of California, located at Yountville, Napa county, and making an appropriation therefor," approved April twenty-first, nineteen hundred and eleven, is hereby amended to read as follows:

Appropriation:
septic
tank,
Veterans'
Home.

Section 1. The sum of five thousand two hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated for the completion of the septic tank and relaying

of drains and laterals leading thereto and therefrom (and the relaying of water mains and laterals), at the Veterans' Home of California, located at Yountville, Napa county, California.

CHAPTER 413.

An act appropriating money for reflooring main buildings at Stockton State Hospital.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for reflooring main buildings at Stockton State Hospital.

Appropriation:
reflooring,
Stockton
hospital.

CHAPTER 414.

An act appropriating money for the purchase and installation of an elevator for the female building at Stockton State Hospital.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of six thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the purchase and installation of an elevator for the female building at Stockton State Hospital.

Appropriation:
elevator,
female
building,
Stockton
hospital.

CHAPTER 415.

An act appropriating money for installing and connecting a heating system for the male department, at the Stockton State Hospital.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for installing a heating system in the male department of Stockton State Hospital, and connecting the same with the power house.

Appropriation:
heating
system,
male de-
partment,
Stockton
hos-pital.

CHAPTER 416.

An act appropriating money for the construction and equipment of new ward number twenty-five, at Stockton State Hospital.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation:
new ward,
Stockton
hospital.

SECTION 1. The sum of fifty-eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the construction and equipment of new ward number twenty-five, at Stockton State Hospital. Not more than the sum of twenty-five hundred dollars of the amount herein appropriated shall be used for equipping said building.

CHAPTER 417.

An act appropriating money for the purchase of a dairy herd at Stockton State Hospital.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation:
dairy herd,
Stockton
hospital.

SECTION 1. The sum of twelve thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the purchase of a dairy herd at Stockton State Hospital.

CHAPTER 418.

An act appropriating money for building a new dormitory at the Industrial Home of Mechanical Trades for the Adult Blind.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation:
dormitory,
Industrial
Home for
Adult
Blind.

SECTION 1. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for building a new dormitory at the Industrial Home of Mechanical Trades for the Adult Blind.

CHAPTER 419.

An act appropriating money for building new floors in the shops at the Industrial Home of Mechanical Trades for the Adult Blind.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for building new floors in the shops at the Industrial Home of Mechanical Trades for the Adult Blind.

Appropriation: new floors in shops, Industrial Home for Adult Blind.

CHAPTER 420.

An act appropriating money for repainting and calcimining the training school building at San Francisco State Normal School.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of eighteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for repainting and calcimining the training school building at San Francisco State Normal School.

Appropriation: repainting, training school building, San Francisco normal.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants on the state treasury for the amount herein appropriated and the state treasurer is hereby directed to pay the same.

CHAPTER 421.

An act appropriating money for furnishing and repairing old buildings at San Francisco State Normal School.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for furnishing and repairing old buildings at San Francisco State Normal School.

Appropriation: furnishing, repainting, San Francisco normal.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants on the state treasury for the amount herein appropriated and the state treasurer is hereby directed to pay the same.

CHAPTER 422.

An act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

[Approved June 7, 1913. In effect immediately.]

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

Appropriation: prevention of contagious and infectious diseases.

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended by the state board of health, under the direction of the governor, for the prevention of the introduction of Asiatic cholera, bubonic plague, smallpox or other contagious or infectious disease into this state, and for their investigation and suppression in case of their origin or introduction. The claims for such expenditures must be audited by the board of control, except that when, in the opinion of the governor, an emergency arises which demands or necessitates the immediate use of money for the purposes herein provided, the controller must draw his warrant in the name of the governor without such audit, on account of the sum hereby appropriated, upon the order of the governor, in such sums, from time to time, not exceeding one thousand dollars at any one time, as he may direct. In cases where sums are so drawn upon the order of the governor, without audit by the board of control, vouchers must be thereafter filed with the controller, showing the manner and the purposes for which such sums have been expended. Such portion of the sum provided by this section as may be deemed advisable by the state board of health and approved by the governor, may be used in accordance with the provisions of this section and section 2, provided that all expenditures connected therewith shall be audited by the board of control and paid by the state treasurer upon warrants drawn by the controller, in accordance with the provisions of this section.

Extermination of rodents, insects, vermin by property owners.

SEC. 2. Whenever any land, place, building, structure, wharf, pier, dock, vessel or water craft is infested with rodents, insects or other vermin which are liable to convey or spread contagious or infectious disease from an existing focus declared by the state board of health, it shall be the duty of said board to at once notify the person, firm, copartnership, company or corporation, owning said land, place, building, structure, wharf, pier, dock, vessel or water craft, of the existence of said rodents, insects, or other vermin, and said notice shall direct said owner to proceed immediately to exterminate and destroy said rodents, insects, or other vermin, and to continue in good faith such measures as may be necessary to prevent their return. In the event that said owner fails, refuses or neglects to proceed as above provided, within ten days from date of receipt of said notice, the state board of health may at once proceed to exterminate and destroy said rodents, insects or other vermin, and take such measures as

Extermination by state board of health.

may be necessary to prevent their return, and the cost of the above measures shall be repaid to the state board of health by the board of supervisors or other governing body of the county, city and county, city or town wherein the work is done at its next meeting after the bill is presented, and the appropriation provided in section 1 of this act shall be reimbursed by the amount so paid, and may be again expended in a similar manner.

SEC. 3. Whenever a board of supervisors or other governing body of any county, city and county, city or town, shall have repaid the state board of health any sum as provided in section two, the clerk of such board shall file in the office of the county recorder a notice of such payment, claiming a lien on such property for the amount of such payment. Any and all sums so paid by such county, city and county, city or town, shall be a lien on the property on which such rodents, insects or other vermin shall have been exterminated and destroyed, and may be recovered in an action against such property, which action to foreclose such lien shall be brought within ninety days after such payment, and be prosecuted by the district, city or town attorney, in the name of such county, city and county, city or town, and for its benefit. When the property is sold, enough of the proceeds shall be paid into the treasury of such county, city and county, city or town, to satisfy such lien and the costs and overplus, if any there be, shall be paid to the owner of the property, if known, and if not known shall be paid into the court for the use of such owner when ascertained. When it appears from the complaint in such action that the property on which such lien is to be foreclosed is likely to be removed from the jurisdiction of the court, the court may appoint a receiver to take possession of the property and hold the same while the action may be pending or until the defendant shall execute and file a bond, with sufficient sureties, conditioned for the payment of any judgment that may be received against him in the action and all costs.

Lien on property for payment of expense of extermination.

SEC. 4. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV of the Constitution of the State of California, take effect immediately.

current expenses.

CHAPTER 423.

An act to make an additional appropriation for the completion of the road from Meyer's Station at the head of the Tahoe state wagon road along the west shore of Lake Tahoe, to McKinney's.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of

Appropriation completion, road from Meyer's station to McKinney's. twenty-three thousand dollars for the completion of the road from Meyer's station at the head of the Tahoe state wagon road along the west shore of Lake Tahoe, to McKinney's. Thirteen thousand dollars shall be available on the first day of July, 1913, and ten thousand dollars on the first day of July, 1914.

Work under department of engineering. SEC. 2. The work of locating, surveying and constructing said highway is placed under the management and control of the department of engineering.

SEC. 3. The state controller is hereby directed to draw his warrants in such sums and at such times as the state engineer may present claims therefor, and the state treasurer is directed to pay the same.

CHAPTER 424.

An act appropriating money to pay the claim of Thomas Nightingale against the State of California.

[Approved June 13, 1913. In effect August 10, 1913.]

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

Appropriation claim, Thomas Nightingale. SECTION 1. The sum of ten dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Thomas Nightingale against the State of California.

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum herein made payable and the state treasurer is directed to pay the same.

CHAPTER 425.

An act appropriating money for the equipment of new buildings at the Santa Barbara State Normal School of Manual Arts and Home Economics.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation equipment, Santa Barbara normal. SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the equipment of new buildings at the Santa Barbara State Normal School of Manual Arts and Home Economics.

CHAPTER 426.

An act appropriating money for repairing the old manual training building, the old training school building and the old domestic science building at San Jose State Normal School.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of twelve thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be used in accordance with law for repairing the old manual training building, the old training school building and the old domestic science building at San Jose State Normal School.

Appropriation repairs, San Jose normal

CHAPTER 427.

An act appropriating money for general repairs, equipment and improvements at Whittier State School.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for general repairs, equipment and improvements at Whittier State School.

Appropriation repairs, equipment, improvements, Whittier school.

SEC. 2. This act inasmuch as it provides for an appropriation for the usual current expenses of the state, shall under the provisions of section 1, of article IV of the constitution take effect immediately.

Current expenses.

CHAPTER 428.

An act appropriating money for furnishing, equipping and providing with suitable fixtures the new building at the Los Angeles State Normal School.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of fifty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used for furnishing, equipping and providing with suitable fixtures the new buildings at the Los Angeles State Normal School.

Appropriation equipping new buildings, Los Angeles normal.

Competitive bids.

SEC. 2. The board of trustees of the Los Angeles State Normal School are authorized and directed to expend said sum of money for the purposes stated in section 1 of this act and to procure the necessary furniture, fixtures and equipment in the open market by competitive bids subject to the approval of the state board of control.

SEC. 3. The state controller is hereby authorized and directed to draw his warrants for the amount herein appropriated and the state treasurer is directed to pay the same.

CHAPTER 429.

An act appropriating money for purchasing musical instruments for Los Angeles State Normal School.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation: musical instruments, Los Angeles normal.

SECTION 1. The sum of two thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in state treasury not otherwise appropriated to be used in accordance with law for purchasing musical instruments for Los Angeles State Normal School.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for the amount herein appropriated and the state treasurer is directed to pay the same.

CHAPTER 430.

An act providing for the completion of construction, and for moving, changing and improving the buildings of, and for the purchase of equipment, apparatus, furnishings and supplies for, the Los Angeles department of the college of medicine of the University of California, and making an appropriation therefor.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation: Los Angeles department of college of medicine, University of California.

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the regents of the University of California, to be by them expended as follows: For the completion of the hospital buildings for the Los Angeles department of the college of medicine of the University of California on the property held by the regents of the University of California and situated on North Broadway and Castelar streets, between Ord and Alpine streets, in the city of Los Angeles, county of Los Angeles, State of California; and for the expense incurred in the moving, changing and

improving of the buildings at present located on said property ; and for the purchase of such equipment, apparatus, furnishings and supplies as are necessary for the use and operation of the aforementioned buildings.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the said the regents of the University of California for the moneys herein appropriated, at such time and in such manner as the expenditure of the same shall be required, and the state treasurer is hereby directed to pay said warrants.

CHAPTER 431.

An act providing for the construction and equipment of one dormitory at the university farm and agricultural school at Davis, and making an appropriation therefor.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of forty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the regents of the University of California, to be used by them in the construction and equipment of one dormitory at the university farm and agricultural school at Davis. Appropriation: dormitory, university farm, Davis.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the regents of the University of California for the moneys herein appropriated, and the state treasurer is hereby directed to pay said warrants.

CHAPTER 432.

An act providing for the construction and equipment of a classroom and library building at the university farm and agricultural school at Davis and making an appropriation therefor.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of sixty-five thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the regents of the University of California, to be used by them for the construction and equipment of a classroom and library building at the university farm and agricultural school at Davis. Appropriation: classroom and library building, university farm, Davis.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the regents of the University of California for the moneys herein appropriated and the state treasurer is hereby directed to pay said warrants.

CHAPTER 433.

An act appropriating ten thousand dollars to further develop and increase the water supply and to extend the water system of the Sonoma State Home at Eldridge, Sonoma county, California, and authorizing and directing the work and improvement to be done.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation: water supply, Sonoma State Home.

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any funds in the state treasury not otherwise appropriated to be used, paid out and expended in accordance with law, for the purpose of further developing and increasing the water supply and of extending the water system on the grounds or premises of the Sonoma State Home at Eldridge, Sonoma county, California, and said development extension and work are hereby authorized and directed to be done and performed.

CHAPTER 434.

An act appropriating five thousand five hundred dollars for the construction of septic tanks, and making such repairs, alterations, and additions, as may be necessary, to the present sewer system at the Sonoma State Home at Eldridge, Sonoma county, California, and authorizing and directing such work to be done and performed.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation: septic tank, sewer system, Sonoma State Home.

SECTION 1. The sum of five thousand five hundred dollars is hereby appropriated out of any funds in the state treasury not otherwise appropriated to be used, paid out and expended in accordance with law, for the purpose of constructing septic tanks, and making such repairs, alterations and additions, as may be necessary, to the present sewer system at the Sonoma State Home, at Eldridge, Sonoma county, California, and such construction, repairs, alterations and additions are hereby authorized and directed to be done and performed.

CHAPTER 435.

An act appropriating five thousand dollars therefor, and authorizing and directing the construction and furnishing of a dormitory for the female employees of the Sonoma State Home, at Eldridge, Sonoma county, California.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby appropriated out of any funds of the state available therefor the sum of five thousand dollars,

to be used, paid out and expended in accordance with law for the purpose of constructing and furnishing a dormitory for the female employes of the Sonoma State Home, at Eldridge, Sonoma county, California, and such construction and furnishing are hereby authorized and directed to be done and performed.

Appropriation: dormitory for female employes, Sonoma State Home.

CHAPTER 436.

An act appropriating nineteen thousand dollars therefor, and authorizing and directing the construction and furnishing of a nursery for males, at the Sonoma State Home, at Eldridge, Sonoma county, California.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby appropriated out of any funds of the state available therefor the sum of nineteen thousand dollars to be used, paid out and expended in accordance with law, for the purpose of constructing and furnishing a nursery building for males, at the Sonoma State Home, at Eldridge, Sonoma county, California, and the construction and furnishing of said building are hereby authorized and directed. Not more than seventeen thousand five hundred dollars thereof shall be expended for the construction of said nursery, and not more than one thousand five hundred dollars thereof shall be expended for the furnishing thereof.

Appropriation: nursery for males, Sonoma State Home.

CHAPTER 437.

An act providing for the purchase, for the use of the department of agriculture of the University of California, of land and water rights in any of the counties of Los Angeles, Riverside, Orange, San Bernardino, San Diego, Imperial, Ventura, or Santa Barbara, and for the planting of said lands and making an appropriation therefor.

[Approved June 9, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of sixty thousand dollars, or so much thereof as may be required, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the regents of the University of California, to be used by them for the purchase, for the use of the department of agriculture of the University of California, of a tract or tracts of land, waters and water rights therefor, situate in any of the counties of Los Angeles, Riverside, Orange, San Bernardino,

Appropriation: land and water rights, department of agriculture, University of California.

In
southern
county.

San Diego, Imperial, Ventura, or Santa Barbara, as they may select, and for the planting of said land, or lands.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of said the regents of the University of California for the moneys herein appropriated, at such time and in such manner as the expenditure of the same shall be required, and the state treasurer is hereby directed to pay said warrants.

CHAPTER 438.

An act appropriating the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the controller and treasurer of the state in relation thereto.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation:
restore
income.
University
of
California.

SECTION 1. The sum of sixty-two thousand dollars is hereby appropriated for the use and benefit of the University of California out of any moneys in the state treasury not otherwise appropriated, to replace and restore income of said university lost through disaster and fire.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the regents of the University of California for the moneys herein appropriated and the state treasurer is hereby directed to pay said warrants.

CHAPTER 439.

An act appropriating money for the purchase and installation of fire escapes at the California Institution for the Deaf and the Blind.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation:
fire
escapes,
California
Institution
for the
Deaf and
the Blind.

SECTION 1. The sum of sixty-five hundred dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the purchase and installation of fire escapes at the California Institution for the Deaf and the Blind.

CHAPTER 440.

An act appropriating money for the construction and equipment of a gymnasium building at the California Institution for the Deaf and the Blind.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of fifty-two thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the construction and equipment of a gymnasium building at the California Institution for the Deaf and the Blind. Not more than the sum of twenty-five hundred dollars of the amount herein appropriated shall be used for equipping said building.

Appropriation: gymnasium, California Institution for the Deaf and the Blind.

CHAPTER 441.

An act appropriating money for the purchase of machinery and equipment at the California Institution for the Deaf and the Blind.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of eleven thousand one hundred seventy-five dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the purchase of machinery and equipment at the California Institution for the Deaf and the Blind.

Appropriation: machinery and equipment, California Institution for the Deaf and the Blind.

CHAPTER 442.

An act appropriating money for building a dairy barn at the California Institution for the Deaf and the Blind.

[Approved June 9, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of six thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for building a dairy barn at the California Institution for the Deaf and the Blind.

Appropriation: dairy barn, California Institution for the Deaf and the Blind.

CHAPTER 443.

An act providing for the construction of additional live stock barns and sheds and poultry building on the state fair grounds at agricultural park in the city of Sacramento, and making an appropriation therefor.

[Approved June 9, 1913. In effect August 10, 1913.]

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

Appropriation:
additional live stock barns, poultry building, state fair grounds.

SECTION 1. The sum of fifteen thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated for the erection of additional live stock barns and sheds and poultry building on the state fair grounds at agricultural park in the city of Sacramento, said work to be under the direction and control of the state engineering department.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for said sum of fifteen thousand dollars in favor of the directors of the state agricultural society, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 444.

An act to reimburse the directors of the state agricultural society for money advanced to meet the deficiency in the funds of the state agricultural society during the sixty-third and sixty-fourth fiscal years and for the maintenance of the state fair grounds during said fiscal years.

[Approved June 8, 1913. In effect August 10, 1913.]

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

Appropriation:
deficiency state agricultural society, maintenance state fair grounds.

SECTION 1. The sum of fifteen thousand three hundred thirty-seven and 26/100 dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to reimburse the directors of the state agricultural society for money advanced to meet the deficiency in the funds of the state agricultural society for the sixty-third and sixty-fourth fiscal years, and for the maintenance of the state fair grounds during said fiscal years.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for said sum of fifteen thousand three hundred thirty-seven and 26/100 dollars in favor of the directors of the state agricultural society, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 445.

An act making an appropriation of money to pay the claim of United States Mortgage and Trust Company, a corporation, against the State of California.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of three hundred and seventy-five dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated to pay the claim of United States Mortgage and Trust Company, a corporation, against the State of California, and the state controller is hereby authorized and directed to draw his warrant in favor of United States Mortgage and Trust Company, a corporation, for said sum of three hundred and seventy-five dollars, and the state treasurer is hereby directed to pay the same.

Appropriation claim, United States Mortgage and Trust Co

CHAPTER 446.

An act appropriating money for the purchase of live stock at Folsom State Prison.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the purchase of live stock at Folsom State Prison.

Appropriation live stock, Folsom prison.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants for the amount herein appropriated, in favor of the state board of prison directors, in such amounts and at such times as may be approved by the state board of control, and the state treasurer is directed to pay the same.

CHAPTER 447.

An act appropriating money for the construction of farm buildings at Folsom State Prison.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be

Appropriation farm buildings, Folsom prison.

used in accordance with law for the construction of farm buildings at Folsom State Prison.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants for the amount herein appropriated, in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of control, and the state treasurer is directed to pay the same.

CHAPTER 448.

An act appropriating money for general repairs and improvements at Folsom State Prison.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation: repairs and improvements, Folsom prison. SECTION 1. The sum of twenty-three thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for general repairs and improvements at Folsom State Prison.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants for the amount herein appropriated, in favor of the state board of prison directors, in such amounts and at such times as may be approved by the state board of control, and the state treasurer is directed to pay the same.

CHAPTER 449.

An act appropriating money for the construction of cell buildings at the state prison at Folsom and for construction of a wall around said prison.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation: cell buildings, wall, Folsom prison. SECTION 1. The sum of one hundred and thirty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the construction of cell buildings at the state prison at Folsom and for the construction of a wall around said prison.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants for the amount herein appropriated, in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of control, and the state treasurer is directed to pay the same.

CHAPTER 450.

An act appropriating money for the construction of a laundry building and the equipment of the same at Folsom State Prison.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of twelve thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the construction of a laundry building and the equipment of the same at Folsom State Prison.

Appropriation: laundry, Folsom Prison.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants for the amount herein appropriated, in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of control, and the state treasurer is directed to pay the same.

CHAPTER 451.

An act appropriating money for the construction and equipment of shop buildings at Folsom State Prison.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of thirty-three thousand sixty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the construction and equipment of shop buildings at Folsom State Prison.

Appropriation: shop buildings, Folsom Prison.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants for the amount herein appropriated, in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the state board of control, and the state treasurer is directed to pay the same.

CHAPTER 452.

An act to provide for the accomplishment of the work of the direct improvement of the navigation of the Sacramento, San Joaquin and Feather rivers of the State of California, as recommended in the special report of the California debris commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, chief of engineers, C. H. McKinstry, major, corps of engineers, and Thomas H. Jackson, captain, corps of engineers, of the United States army, and printed with the annual report of the chief of engineers of the United States army, for the fiscal year ending June 30, 1907, and making an appropriation for such work.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation: Improvement Sacramento, San Joaquin and Feather rivers.

SECTION 1. The sum of two hundred thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, which shall be available July 1, 1914, for the accomplishment of the work of the direct improvement of navigation of the Sacramento, San Joaquin and Feather rivers of the State of California as recommended in the special report of the California debris commission, dated June 30, 1907, and made jointly by Brigadier General A. Mackenzie, chief of engineers, C. H. McKinstry, major, corps of engineers, and Thomas H. Jackson, captain corps of engineers, of the United States army, and printed with the annual report of the chief of engineers, of the United States army for the fiscal year ending June 30, 1907.

Governor to contract with United States government.

SEC. 2. The governor of the State of California shall have charge and control of the expenditure of all moneys appropriated hereunder, and he is hereby authorized to enter into and to execute any contract or contracts with the United States government, or any department thereof, for the performance of the work or any part thereof, provided for by this act, or to purchase materials, machinery, power, labor or any other things necessary for such work, and generally to do any and all things necessary or proper to effectually carry into operation the work sought to be accomplished hereby.

Only one half expense to be borne by state.

SEC. 3. All contracts made hereunder shall provide specifically that only one half of the contract price of any work performed, or to be performed under this act, shall be paid by the state, and in case said work or any part thereof, shall be performed in any other manner than by contract, only one half of the expense of such work or of any matters incident thereto shall be paid by the state.

United States government to have charge of work.

SEC. 4. This act shall become operative only upon condition that the government of the United States shall, under, by and through the war department, assume full charge and

control of all work to be done as provided by this act, and also upon condition that a like sum of two hundred thousand dollars be appropriated by the United States for such work.

SEC. 5. The controller of the State of California is hereby authorized and directed, upon request of the governor, to draw his warrant on the state treasurer from time to time and for such portion of said sum of two hundred thousand dollars, and in favor of such person, corporation, or other parties, as the governor may designate, and the state treasurer is hereby directed and empowered to pay such warrants.

To appropriate \$200,000.

CHAPTER 453.

An act making an appropriation to pay the claim of Duane Bliss against the State of California.

[Approved June 7, 1913. In effect immediately.]

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

SECTION 1. The sum of nineteen thousand one hundred sixty-eight dollars and seventy-six cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Duane Bliss against the State of California.

Appropriation: claim, Duane Bliss.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

Current expenses.

CHAPTER 454.

An act making an appropriation to pay the claim of the directors of the state board of agriculture against the State of California.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of two thousand thirty-five and 52/100 dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of the directors of the state board of agriculture against the State of California.

Appropriation: claim, state board of agriculture.

CHAPTER 455.

An act to provide for the establishment of a state hospital for the insane and providing for commitment thereto and management thereof, and making an appropriation therefor.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Hospital for insane established in southern California.

SECTION 1. A state hospital shall be established in southern California preferably near to the sea coast, for the care of the insane.

Commission created for building.

SEC. 2. A commission composed of the governor, lieutenant-governor, state engineer, the general superintendent of the state hospitals, and a member of the Psychopathic Association of California, to be appointed by the governor, is hereby created and is hereby authorized to select and purchase a suitable site, accept the plans and direct the engineering department to erect the necessary buildings as and for a hospital for insane persons.

Commitments.

SEC. 3. Upon the completion of such state hospital, insane persons may be committed or admitted thereto in the manner provided by law for the commitment of insane persons, and for the admission of insane persons, under special agreements, to state hospitals for the insane.

Management as provided by law.

SEC. 4. Upon the adoption of plans as herein provided for such institution, the commission herein created shall cease to exist and the control and management of said institution as a hospital for the insane shall be continued as and in the manner provided by law for the control, management and operation of state hospitals for the care of the insane.

Title to land and water rights.

SEC. 5. Title to land and water right thereunto appertaining acquired in pursuance of this act shall be approved by the attorney general and shall be taken in the name of the State of California. The deeds therefor shall be filed with the secretary of state.

Appropriation.

SEC. 6. There is hereby appropriated from the funds of the state not otherwise appropriated the sum of two hundred and fifty thousand dollars to be used for the purchase of a site together with water rights for said hospital and the erection and equipment of buildings and improvements thereon. Not more than ninety thousand dollars of the money herein appropriated shall be used for the purchase of said site and water rights. Said site shall contain not less than three hundred acres of tillable land.

CHAPTER 456.

An act appropriating money for repairing and improving Sutter's Fort.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for repairing and improving Sutter's Fort.

Appropriation for repairs, Sutter's Fort.

CHAPTER 457.

An act appropriating money to pay the proportion of the costs chargeable against the state for the construction of cement curbing on K street between Twenty-sixth and Twenty-seventh streets in the city of Sacramento, and bordering on a portion of the property belonging to the State of California, known as Sutter's Fort.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of eight hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the proportion of the costs chargeable against the state for the construction of cement curbing on K street, between Twenty-sixth and Twenty-seventh streets, in the city of Sacramento, and bordering on a portion of the property belonging to the State of California, known as Sutter's Fort.

Appropriation cement curbing, Sutter's Fort.

CHAPTER 458.

An act making an appropriation to pay the claim of the firm of Dillon, Thomson & Clay, of New York City, against the State of California.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to pay the claim of the firm of Dillon, Thomson & Clay, of New York City, against the State of California.

Appropriation: claim, Dillon, Thomson & Clay.

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum made payable by this act, and the state treasurer is directed to pay the same.

CHAPTER 459.

An act to provide for the development of a water supply, the construction of a pumping plant, tank, distribution system, and all appurtenances and accessories of a water supply and distribution system, on the premises of the state normal school at Chico, California, and making an appropriation therefor.

[Approved June 7, 1913. In effect immediately.]

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

Appropriation: water supply, Chico normal.

SECTION 1. The sum of thirty-three hundred fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law to provide for the development of a water supply, the construction of a pumping plant, tank, distribution system, and all appurtenances and accessories of a water supply and distribution system on the premises of the state normal school at Chico, California.

SEC. 2. The state controller is hereby directed to draw his warrant or warrants for the money herein appropriated, and the state treasurer is hereby directed to pay the same.

Current expenses.

SEC. 3. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV, of the constitution of the State of California, take effect immediately.

CHAPTER 460.

An act to provide for repairing, altering, enlarging, furnishing, and refitting state normal school buildings at Chico, California, and making an appropriation therefor.

[Approved June 7, 1913. In effect immediately.]

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

Appropriation: repairs, etc., Chico normal.

SECTION 1. The sum of twelve thousand eight hundred seventy dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for repairing, altering, enlarging, furnishing, and refitting state normal school buildings at Chico, California.

SEC. 2. The state controller is hereby directed to draw his warrant or warrants for the money herein appropriated, and the state treasurer is hereby directed to pay the same.

Current expenses.

SEC. 3. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV, of the constitution of the State of California, take effect immediately.

CHAPTER 461.

An act making an appropriation for office equipment for the state board of health.

[Approved June 7, 1913. In effect immediately.]

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

SECTION 1. The sum of twenty-two hundred dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be expended by the state board of health for office equipment. Appropriation: office equipment state board of health.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV, of the constitution of the State of California, take effect immediately. Current expenses.

CHAPTER 462.

An act appropriating the sum of ten thousand dollars to defray the expenses, during the sixty-fifth and sixty-sixth fiscal years, of organizing, controlling, equipping, instructing and maintaining high school cadet companies in the State of California, and for promoting rifle practice in said companies and to further carry out the purposes of an act entitled "An act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor," approved April 5, 1911.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of ten thousand dollars is hereby appropriated from funds in the state treasury, not otherwise appropriated, to defray the expenses, during the sixty-fifth and sixty-sixth fiscal years, of organizing, controlling, instructing, equipping, and maintaining high school cadet companies in the State of California, and promoting rifle practice in said high school cadet companies, and to further carry out the purposes of an act of the legislature of the State of California entitled "An act to provide for the organization, control and equipment of high school cadet companies and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor," approved April 5, 1911. Appropriation: high school cadet companies.

CHAPTER 463.

An act appropriating money for the construction of an outdoor gymnasium, equipping the same, and the building of basket ball courts and tennis courts and for laying out playgrounds for the training school, and equipping same, all at San Jose State Normal School.

[Approved June 9, 1913. In effect August 10, 1913.]

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

Appropriation: outdoor gymnasium, etc., San Jose normal.

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the construction of an outdoor gymnasium and equipping the same and the building of basket ball courts and tennis courts and for laying out playgrounds for the training school, and equipping same, all at San Jose State Normal School.

CHAPTER 464.

An act reappropriating nine hundred and sixty-four dollars and ninety-eight cents from the unexpended balance of the fund created by an act of the legislature of the State of California, entitled "An act making an appropriation for the expenses of the national guard in case of insurrection, invasion, tumult, riot, or imminent danger thereof," approved April 12, 1909, to pay national guardsmen for services rendered at Ocean Park fire in September, 1912.

[Approved June 7, 1913. In effect immediately.]

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

Appropriation: national guardsmen, services Ocean Park fire.

SECTION 1. The sum of nine hundred and sixty-four dollars and ninety-eight cents is hereby reappropriated from the unexpended balance of a fund created by an act of the legislature of the State of California, entitled "An act making an appropriation for the expenses of the national guard in case of insurrection, invasion, tumult, riot, or imminent danger thereof," approved April 12, 1909, to pay national guardsmen of the State of California for services rendered at the conflagration at Ocean Park, California, during the month of September, 1912.

Current expenses.

SEC. 2. This act inasmuch as it makes an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 465.

An act appropriating money to be expended by and under the direction of the department of engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the state, and improving the navigability of such streams and for acquiring land for necessary rights of way.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of one hundred and fifty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended by the department of engineering for the purpose of rectifying and improving the channels of the Sacramento, San Joaquin and Feather rivers, and such other river channels of the state as the department of engineering may determine, and to improve the navigability of said streams, and for acquiring land for necessary rights of way for such improvements; *provided, however,* that before any expenditure shall be made or contracts awarded by said department, the work to be done shall be approved by the proper officers of the government of the United States having charge of river work in California.

Appropriation: rectifying channels Sacramento, San Joaquin and Feather rivers.

Work to be approved by United States government.

SEC. 2. All expenditures hereunder for rights of way, labor, materials, machinery, or in payment, in whole or in part, of any contract shall, before being paid, be audited by the state board of control as provided by law.

SEC. 3. Of the sum of money herein appropriated fifty thousand dollars thereof shall become available on the first day of July, 1913, and the remaining one hundred thousand dollars thereof on the first day of July, 1914.

When available.

CHAPTER 466.

An act appropriating money to pay for the expense of improving American street, between Park and Poplar streets, fronting the property belonging to Stockton State Hospital, in the city of Stockton.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for improving American street, between Park and Poplar streets, in the city of Stockton, fronting the property belonging to the Stockton State Hospital.

Appropriation: street improvement. Stockton hospital

CHAPTER 467.

An act appropriating money to provide a cash revolving fund for the use of the adjutant general and defining its use and the liability therefor.

[Approved June 7, 1913. In effect immediately.]

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

Appropriation: cash revolving fund, adjutant general.

How drawn.

Bond.

Current expenses.

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to provide the adjutant general with a cash revolving fund to facilitate the work of the adjutant general's department. All or any part of said money may be drawn from the state treasury without the submission of receipts, vouchers or itemized statements and may be used by the adjutant general in advancing cash payments for ordnance, equipment, material, labor, supplies and incidental expenses requiring cash payments in advance, where such payments are necessary for the proper conduct of the business of the department, said bills to be subsequently paid for out of the appropriation against which they are a proper charge, upon itemized claims accompanied by proper vouchers and receipts, and the money returned to the cash revolving fund. The adjutant general shall be liable on his bond for the money so advanced to him and may, to protect himself, require sufficient bond of the different employees under him in case it should be necessary to delegate any of them to disburse money from the revolving fund. The adjutant general must account for the money herein appropriated at any time upon demand of the state board of control or state controller.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 468.

An act to provide for the partial completion and partial furnishing of the armory for the national guard at Los Angeles, and making an appropriation therefor.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation: partial completion, armory, Los Angeles.

SECTION 1. The sum of seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the partial completion and partial furnishing of the armory for the national guard at Los Angeles, and for sewer work in connection with the construction of said armory.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants for the amount hereby appropriated in favor of the officer or officers authorized by law to receive the same in such amounts and at such times as may be approved by the state board of control, and the state treasurer is directed to pay the same.

CHAPTER 469.

An act to provide for the completion of the armory and state arsenal for the national guard at Sacramento, and making an appropriation therefor.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of five thousand (\$5,000) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the completion of the armory and state arsenal for the national guard at Sacramento. Appropriation: completion, armory, Sacramento.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants for the amount hereby appropriated in favor of the officer or officers authorized by law to receive the same in such amounts and at such times as may be approved by the state board of control, and the state treasurer is directed to pay the same.

CHAPTER 470.

An act to appropriate money for the purpose of constructing a pipe line from the property of the California State Reformatory, in Napa county, to the Veterans' Home of California, at Yountville, and connecting the same with the water system at said Veterans' Home.

[Approved June 7, 1913. In effect immediately.]

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

SECTION 1. The sum of twelve thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the purpose of constructing a pipe line from the property of the California State Reformatory, in Napa county, to the Veterans' Home of California, at Yountville, and connecting the same with the water system at said Veterans' Home. Appropriation: pipe line, California State Reformatory to Veterans' Home.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV of the [constitution of the] State of California, take effect immediately. Current expenses.

CHAPTER 471.

An act making an appropriation to pay for linotype machines and equipment for the state printing office.

[Approved June 7, 1913. In effect immediately.]

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

Appropriation:
linotype
machines,
state
printing
office.

SECTION 1. The sum of fourteen thousand three hundred thirty-nine dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay for linotype machines and equipment to be purchased by the superintendent of state printing for the state printing office.

Current
expenses.

SEC. 2. This act inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV, of the constitution, take effect immediately.

CHAPTER 472.

An act appropriating money for the purchase of land for the Fresno State Normal School.

[Approved June 14, 1913. In effect August 10, 1913.]

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

Appropriation:
land,
Fresno
normal.

SECTION 1. The sum of ten thousand (\$10,000) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law, (1) for the purchase of five acres of land lying contiguous to the ten acres already deeded to the state as a site for the Fresno State Normal School; and (2) for the purchase of an additional ten acres to be selected by the board of trustees of the Fresno State Normal School; said land to be used for purposes of the Fresno State Normal School.

CHAPTER 473.

An act appropriating money for building and furnishing a nurses' home for women at Agnews State Hospital.

[Approved June 14, 1913. In effect August 10, 1913.]

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

Appropriation:
nurses'
home,
Agnews.

SECTION 1. The sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for building and furnishing a nurses' home for women at the Agnews State Hospital. Not more than the sum of seven thousand dollars (\$7,000.00) of the amount herein appropriated shall be used for furnishing said building.

CHAPTER 474.

An act appropriating two hundred thousand dollars (\$200,000) to complete the construction of the exposition building of the State of California at the Panama-California exposition to be held in San Diego, California, during the year 1915.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in the construction of that certain exposition building authorized by an act entitled "An act to provide for a state exhibit at the Panama-California exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama canal, and providing for the erection of necessary buildings therefor; creating a commission to have charge and control of said exposition and making an appropriation therefor," approved April 1st, 1911.

Appropriation: state building, Panama-California exposition.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant or warrants on the general fund from time to time for such portion of said sum of two hundred thousand dollars (\$200,000) and in favor of such persons as the majority of the Panama-California exposition commissioners shall direct, and the state treasurer is hereby authorized and directed to pay the same.

SEC. 3. All bills for material and labor in carrying out the provisions of section one of this act shall be audited and approved by the Panama-California exposition commissioners of the said exposition before being paid.

Audit of bills.

SEC. 4. This act is exempt from the provisions of section 672 of the Political Code of the State of California and from the provisions of an act entitled "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to erections and buildings,' approved March 28, 1876" (approved March 22, 1909).

Exempt from Political Code § 672.

CHAPTER 475.

An act making an appropriation to pay for services rendered the State of California in the prosecution of criminals in the county of Kern, State of California.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of seven hundred fifty dollars (\$750.00) is hereby appropriated out of any money in the

Appropriation: James Donovan, prosecution of criminals.

state treasury not otherwise appropriated to pay for certain services rendered by James Donovan of the city of Bakersfield, county of Kern, State of California, as special prosecutor appointed to represent the State of California in prosecuting criminals in the aforesaid county.

SEC. 2. The state controller is hereby authorized to draw his warrants for the sum herein made payable, and the state treasurer is directed to pay the same.

CHAPTER 476.

An act appropriating money to pay claim of Riverside county against the State of California.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation: claim, Riverside county.

SECTION 1. The sum of six hundred and twelve dollars and seventy-two cents on account of money paid into the state treasury by the United States through the agency of Mr. C. E. Kelsey pursuant to the provisions of chapter 675, Statutes of 1911, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Riverside county against the State of California, and the state controller is hereby directed to draw his warrant in the favor of said Riverside county, for said sum of six hundred and twelve dollars and seventy-two cents, and the state treasurer is hereby directed to pay the same.

CHAPTER 477.

An act appropriating money for constructing, equipping and furnishing four patients' cottages at Southern California State Hospital.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation: four patients' cottages, Southern California hospital.

SECTION 1. The sum of one hundred thousand dollars (\$100,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for constructing, equipping and furnishing four patients' cottages at Southern California State Hospital. Not more than the sum of twenty thousand dollars (\$20,000.00) of the amount herein appropriated shall be used for equipping and furnishing said buildings.

CHAPTER 478.

An Act to reimburse the regents of the University of California for moneys expended by them in the construction of buildings, and providing for the completion and equipment thereof, for the Lick Observatory at Mt. Hamilton, to replace property destroyed by earthquake July first, 1911, and making an appropriation therefor.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of fifty thousand dollars (\$50,000) is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the regents of the University of California to reimburse them for moneys already expended by them in the construction of buildings for the Lick Observatory on Mt. Hamilton, to replace property destroyed by the earthquake of July 1st, 1911, and with which to complete the said buildings and the purchase of equipment therefor.

Appropriation: replace destroyed property, Lick Observatory.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the regents of the University of California for the moneys herein appropriated, and the state treasurer is hereby directed to pay said warrants.

CHAPTER 479.

An act appropriating money for the purchase of additional land for the Santa Barbara State Normal School of Manual Arts and Home Economics.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be used by the trustees of the Santa Barbara Normal School of Manual Arts and Home Economics to purchase land to become part of the present property of said school. The land so purchased shall not be less than five acres in extent and shall join the present site of said school. The purchase of such land shall be subject to the approval of the state board of control. Title to the land so purchased shall be taken in the name of the State of California, and shall have the approval of the state attorney general. The deed or deeds to the land shall be delivered by the owner or owners to said trustees upon payment of the purchase price. Said deed or deeds shall be filed in the office of the secretary of state.

Appropriation: Land, Santa Barbara Normal.

Title.

Deeds.

CHAPTER 480.

An act appropriating two thousand dollars for the completing of the restoration and rebuilding of the Mission San Francisco de Solano of the city of Sonoma, California.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation:
completing
restoration, Mis-
sion San
Francisco
de Solano.

SECTION 1. There is hereby appropriated out of any funds of the state available therefor, the sum of two thousand dollars for the completing of the restoration and rebuilding of the Mission San Francisco de Solano at the city of Sonoma, California, the said money to be expended under the direction of the state engineering department in accordance with the provisions of an act entitled "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind, approved March 22, 1909."

CHAPTER 481.

An act appropriating money for the purchase and installation of a gas plant at Mendocino State Hospital.

[Approved June 6, 1913. In effect immediately.]

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

Appropriation: Gas
plant,
Mendocino
hospital.

SECTION 1. The sum of ten thousand dollars (\$10,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the purchase and installation of a gas plant at Mendocino State Hospital.

Current
expenses.

SEC. 2. This act inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the Constitution of the State of California, take effect immediately.

CHAPTER 482.

An act appropriating money for repairs to plumbing at the Veterans' Home of California.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation:
plumbing,
Veterans'
Home.

SECTION 1. The sum of five thousand dollars (\$5,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for repairs to plumbing at the Veterans' Home of California.

CHAPTER 483.

An act appropriating money for building an amusement, assembly and library building at the Veterans' Home of California.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of fifteen thousand dollars (\$15,000.00) or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for building an amusement, assembly and library building at the Veterans' Home of California.

Appropriation: amusement, etc., building, Veterans' Home.

CHAPTER 484.

An act appropriating money for building a dairy and cow barns at the Veterans' Home of California.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of seventy-five hundred dollars (\$7500.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for building a dairy and cow barns at the Veterans' Home of California.

Appropriation: dairy and cow barns, Veterans' Home.

CHAPTER 485.

An act appropriating money for the purchase of bakery, kitchen and dining-room equipment at Napa State Hospital.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of twelve thousand five hundred dollars (\$12,500.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the purchase of bakery, kitchen and dining-room equipment at Napa State Hospital.

Appropriation: bakery, etc., equipment, Napa hospital.

CHAPTER 486.

An act appropriating money for the construction and equipment of farm dormitories and sheds at Napa State Hospital.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation
farm dormitories,
Napa
hospital.

SECTION 1. The sum of ten thousand dollars (\$10,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the construction and equipment of farm dormitories and sheds at Napa State Hospital. Not more than the sum of one thousand dollars (\$1,000.00) of the amount herein appropriated shall be used for equipment of said buildings.

CHAPTER 487.

An act appropriating money for the construction of dairy buildings at the Napa State Hospital.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation:
dairy,
Napa
hospital.

SECTION 1. The sum of twenty thousand dollars (\$20,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the construction of dairy buildings at Napa State Hospital.

CHAPTER 488.

An act appropriating money for electrical rewiring of buildings and conduits at Napa State Hospital.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation
electric
wiring,
Napa
hospital

SECTION 1. The sum of fifteen thousand three hundred dollars (\$15,300.00), or so much thereof as is necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for electrical rewiring of buildings and conduits at Napa State Hospital.

CHAPTER 489.

An act appropriating money to defray the expenses of reclamation of low lands on the farm at Napa State Hospital.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of ten thousand dollars (\$10,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the purpose of defraying the expenses of the reclamation of low lands on the farm at Napa State Hospital.

Appropriation: reclamation low lands, Napa hospital farm.

CHAPTER 490.

An act appropriating money for repairs and improvements at San Diego State Normal School.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of twelve thousand dollars (\$12,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for repairs and improvements at San Diego State Normal School.

Appropriation: repairs, etc., San Diego normal

CHAPTER 491.

An act appropriating money for the improvement of the grounds at San Diego State Normal School.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of five thousand dollars (\$5,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the improvement of the grounds at the San Diego State Normal School.

Appropriation: improving grounds, San Diego normal.

CHAPTER 492.

An act appropriating money for repairs and improvements to buildings, structures, and equipment at the California Polytechnic School.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation: repairs, etc.. California Polytechnic School.

SECTION 1. The sum of ten thousand dollars (\$10,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for repairs and improvements to buildings, structures, and equipment at the California Polytechnic School.

CHAPTER 493.

An act appropriating money for extension and improvement of the heating system at the California Polytechnic School.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation: extending heating system. California Polytechnic School.

SECTION 1. The sum of four thousand dollars (\$4,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the extension and improvement of the heating system at the California Polytechnic School.

CHAPTER 494.

An act making an appropriation for the payment of the claim of C. A. Palmer.

[Approved June 14, 1913. In effect August 10, 1913.]

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

Appropriation: claim. C. A. Palmer.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of one hundred dollars to pay the claim of C. A. Palmer against the State of California for services rendered by him as attorney for plaintiff in the case of people of the State of California against Deta Lima.

SEC. 2. The controller of the state is hereby authorized to draw his warrant in favor of C. A. Palmer for the amount hereby appropriated and the treasurer is directed to pay the same.

CHAPTER 495.

An act appropriating money to pay the cost of sewer construction in the city of Santa Barbara to connect the city system with the property of the Santa Barbara State Normal School of Manual Arts and Home Economics.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of five hundred dollars (\$500.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the cost of sewer construction in the city of Santa Barbara to connect the city system with the property of the Santa Barbara State Normal School of Manual Arts and Home Economics. The money herein appropriated shall be paid to the trustees of said normal school upon the presentation and audit of vouchers carrying the certificate of the proper city official.

Appropriation: sewer connection, Santa Barbara normal.

CHAPTER 496.

An act appropriating money for constructing and equipping a laundry at Southern California State Hospital.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of twenty thousand dollars (\$20,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for constructing and equipping a laundry building at Southern California State Hospital. Not more than the sum of two thousand dollars (\$2,000.00) of the amount herein appropriated shall be used for equipping said laundry building.

Appropriation: laundry, Southern California hospital.

CHAPTER 497.

An act appropriating money for building a concrete reservoir at Southern California State Hospital.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of five thousand dollars (\$5,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for building a concrete reservoir at Southern California State Hospital,

Appropriation: concrete reservoir, Southern California hospital.

CHAPTER 498.

An act appropriating money for the purchase of water stock for the use of Southern California State Hospital.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation: water stock, Southern California hospital.

SECTION 1. The sum of ten thousand dollars (\$10,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the purchase of water stock for the use of Southern California State Hospital.

CHAPTER 499.

An act appropriating money for construction and equipment of dairy buildings at the farm at Stockton State Hospital.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation: dairy, Stockton hospital.

SECTION 1. The sum of twenty thousand dollars (\$20,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the construction and equipment of dairy buildings at the farm at Stockton State Hospital. Not more than the sum of twelve hundred dollars (\$1200.00) of the amount herein appropriated shall be used for the equipment of said buildings.

CHAPTER 500.

An act making an appropriation to pay the claim of the town of Suisun City against the State of California.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation: claim, Suisun City.

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of the town of Suisun City against the State of California.

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum herein made payable and the state treasurer is directed to pay the same.

CHAPTER 501.

An act to authorize the payment of the claim of "Pacific Union Club" against the State of California and making an appropriation therefor.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of \$330.00 for the purpose of paying the claim of Pacific Union Club.

Appropriation:
claim,
Pacific
Union
Club.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of Pacific Union Club in the sum of \$330 and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 502.

An act providing for the construction of an addition to the present dining hall and kitchen at the university farm and agricultural school at Davis, and making an appropriation therefor.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of ten thousand dollars (\$10,000) is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the regents of the University of California, to be used by them in the construction of an addition to the present dining hall and kitchen at the university farm and agricultural school at Davis.

Appropriation:
addition,
dining hall
and
kitchen,
university
farm,
Davis.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the regents of the University of California for the moneys herein appropriated and the state treasurer is hereby directed to pay said warrants.

CHAPTER 503.

An act providing for the construction of small buildings, and for the repair of the present buildings, at the university farm and agricultural school at Davis, and making an appropriation therefor.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation:
buildings
and
repairs,
university
farm,
Davis.

SECTION 1. The sum of twenty thousand dollars (\$20,000.00) is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the regents of the University of California, to be used by them in the construction of small buildings, and for the repair of the present buildings, at the university farm and agricultural school at Davis.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the regents of the University of California for the moneys herein appropriated and the state treasurer is hereby directed to pay said warrants.

CHAPTER 504.

An act appropriating money for the construction of bleachers and for the purpose of playground equipment for the Los Angeles State Normal School.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation:
bleachers
and play-
ground
equipment,
Los
Angeles
normal.

SECTION 1. The sum of two thousand five hundred (2,500) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used by the trustees of the Los Angeles State Normal School for the construction of bleachers for the athletic field and for the purchase, in accordance with law of playground equipment for the training school.

CHAPTER 505.

An act appropriating money for the purchase of furniture and equipment for San Diego State Normal School.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation:
furniture,
etc.,
San Diego
normal.

SECTION 1. The sum of fourteen hundred dollars (\$1400.00), or so much thereof as may be necessary, is hereby appropriated, out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the purchase of furniture and equipment for San Diego State Normal School.

CHAPTER 506.

An act providing a continuous appropriation for the support and maintenance of the University of California to be an item of the general appropriation bill and repealing the act entitled "An act to provide a continuous appropriation for the support and maintenance of the University of California to be an item of the general appropriation bill," approved March 15, 1901.

[Approved June 6, 1913. In effect August 10, 1913.]

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

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

SEC. 2. In addition to all other sums of money or funds provided for the support and maintenance of the University of California, and commencing with the sixty-fifth fiscal year, there shall be an appropriation biennially of the sum of four hundred thousand dollars (\$400,000) therefor, which sum shall be carried into the general appropriation bill as are the items of appropriation for other state institutions, and be an item thereof.

Appropriation: maintenance, University of California.

SEC. 3. An act entitled "An act to provide a continuous appropriation for the support and maintenance of the University of California, to be an item of the general appropriation bill," approved March 15, 1901, is hereby repealed.

Repealed.

CHAPTER 507.

An act appropriating money for the purchase of additional land for the Los Angeles State Normal School.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of ten thousand dollars (\$10,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used by the board of trustees of the Los Angeles State Normal School to purchase additional land to become a part of the new state normal school site in the city of Los Angeles, said additional land comprising nine lots with a combined frontage of four hundred fifty (450) feet on Heliotrope drive and one hundred twenty-five (125) feet on Willowbrook avenue in the block of land bounded by Monroe and Willowbrook streets and Heliotrope drive and Vermont avenue. Title to the land so purchased shall be taken in the name of the State of California and shall have the approval of the state attorney general. The deed or deeds to the land

Appropriation: additional land, Los Angeles normal.

Title.

Deeds.

shall be delivered by the owner or owners to said trustees upon payment of the purchase price. Said deed or deeds shall be filed in the office of the secretary of state.

CHAPTER 508.

An act appropriating money for building, equipping and furnishing a cottage for epileptics at Sonoma State Home.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation: cottage for epileptics, Sonoma State Home.

SECTION 1. The sum of nineteen thousand dollars (\$19,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for building, equipping and furnishing a cottage for epileptics at Sonoma State Home. Not more than the sum of fifteen hundred dollars (\$1500.00) of the amount herein appropriated shall be used for furnishing and equipping said building.

CHAPTER 509.

An act appropriating money for building quarters for farm hands at Sonoma State Home.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation: farm hands' quarters, Sonoma State Home.

SECTION 1. The sum of two thousand dollars (\$2,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for building quarters for farm hands at Sonoma State Home.

CHAPTER 510.

An act making an appropriation of one thousand dollars to pay the claim of A. E. Smith of Modoc county against the State of California, exempting this act from the provisions of section six hundred seventy-two of the Political Code and prescribing the duties of the controller and treasurer of state in relation thereto.

[Approved June 6, 1913. In effect August 10, 1913.]

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

Appropriation: claim, A. E. Smith.

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the state treasury not other-

wise appropriated to pay the claim of A. E. Smith of Modoc county against the State of California, and the state controller is authorized and directed to draw his warrant for said sum and the state treasurer is directed to pay the same; *provided*, that the direction to the controller herein is expressly exempt from the provisions of section 672 of the Political Code of the State of California.

Exempt
from
Political
Code, § 672.

CHAPTER 511.

An act appropriating money for the purchase of additional land for the state fair grounds in the city of Sacramento.

[Approved June 6, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of nine thousand three hundred dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used by the directors of the State Agricultural Society to purchase additional land to become a part of Agricultural Park in the city of Sacramento, said additional land comprising eight and one half acres, more or less, of land adjoining the present agricultural park on the south side. Title of the land so purchased shall be taken in the name of the State of California and shall have the approval of the attorney general. The deed or deeds to the land shall be delivered by the owner or owners to said directors upon payment of the purchase price. Said deed or deeds shall be filed in the office of the secretary of state.

Appropriation:
additional
land, Agricultural
Park, Sacramento.

Title.

Deeds.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the directors of the State Agricultural Society for the moneys herein appropriated at such times and in such manner as the expenditure of the same shall be required and the state treasurer is hereby directed to pay said warrants.

CHAPTER 512.

An act appropriating money to provide for the disposal of drainage and sewerage from the state fair grounds in the city of Sacramento.

[Approved June 6, 1913. In effect immediately.]

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

SECTION 1. The sum of ten thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be

Appropriation:
disposal of
sewerage,
state fair
grounds.

used for the disposal of drainage and sewerage from the state fair grounds at Agricultural Park in the city of Sacramento, said expenditure to be made under the direction and control of the state engineering department.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant for said sum of ten thousand dollars in favor of the person or persons authorized by law to receive the same and the state treasurer is hereby authorized and directed to pay the same.

Emergency.

SEC. 3. This act, inasmuch as it provides for an appropriation for the purpose of the immediate preservation of the public health in that the health laws of the city of Sacramento are not complied with at said Agricultural Park, is declared to be a matter of urgency and shall take effect immediately.

CHAPTER 513.

An act appropriating money for the purchase of school equipment for the California Institution for the Deaf and the Blind.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation: school equipment, California Institution for the Deaf and the Blind.

SECTION 1. The sum of seventy-five hundred dollars (\$7500.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the purchase of school equipment for the California Institution for the Deaf and the Blind.

CHAPTER 514.

An act appropriating money for repairs and improvements at the California Institution for the Deaf and Blind.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation: repairs, etc., California Institution for the Deaf and the Blind.

SECTION 1. The sum of forty-five hundred dollars (\$4,500.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for repairs and improvement at the California Institution for the Deaf and Blind.

CHAPTER 515.

An act appropriating money for the equipment and furnishing of buildings at Fresno State Normal School.

[Approved June 7, 1913. In effect immediately.]

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

SECTION 1. The sum of ten thousand dollars (\$10,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the equipment and furnishing of buildings at Fresno State Normal School. Appropriation: equipment, etc., Fresno normal.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution, take effect immediately. Current expenses.

CHAPTER 516.

An act appropriating money for the construction and equipment of buildings on the property of the Fresno State Normal School.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of three hundred seventy thousand dollars (\$370,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the construction and equipment of buildings on the property of the Fresno State Normal School. Of the total amount hereby appropriated, the sum of one hundred eighty-five thousand dollars (\$185,000) shall be available for expenditure during the sixty-fifth and sixty-sixth fiscal years, or during either of such years, and the remaining one hundred eighty-five thousand dollars (\$185,000) shall be available for expenditures during the sixty-seventh and sixty-eighth fiscal years or during either of such years. Appropriation: buildings, Fresno normal. When available.

CHAPTER 517.

An act appropriating money to pay the claim of Clark & Henry Construction Company against the State of California.

[Approved June 7, 1913. In effect immediately.]

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

SECTION 1. The sum of seven hundred eighty-six dollars and twenty-nine cents (\$786.29) is hereby appropriated out of any money in the state treasury not otherwise appropriated

Appropriation: claim, Clark & Henery Construction Co. to pay the claim of Clark & Henery Construction Company against the State of California for street assessment for paving, curb, gutter and drainage on property belonging to the state fronting on Fifteenth and Sixteenth street, between H and I streets in the city of Sacramento, being the property known as the governor's mansion.

Current expenses. SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

CHAPTER 518.

An act appropriating money to pay the claim of O. Nelson against the State of California.

[Approved June 7, 1913. In effect immediately.]

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

Appropriation: claim, O. Nelson. SECTION 1. The sum of five dollars and thirty-four cents (\$5.34) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of O. Nelson against the State of California for grading of Park boulevard from the north line of El Cajon avenue to the south line of Adams avenue in the city of San Diego, said amount being the assessment levied against the frontage belonging to the state normal school in that city.

Current expenses. SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

CHAPTER 519.

An act appropriating money to pay the claim of John Ewart against the State of California.

[Approved June 7, 1913. In effect immediately.]

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

Appropriation: claim, John Ewart. SECTION 1. The sum of sixteen hundred nine dollars and forty cents (\$1,609.40) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of John Ewart against the State of California for assessment for filling and grading American street in the city of Stockton, fronting the property of the Stockton State Hospital.

Current expenses. SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

CHAPTER 520.

An act appropriating money to pay the claim of the Coalinga Water and Electric Company against the State of California.

[Approved June 6, 1913. In effect immediately.]

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

SECTION 1. The sum of twenty-five dollars (\$25.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of the Coalinga Water and Electric Company for the return of taxes erroneously assessed and collected by the State of California.

Appropriation: claim, Coalinga Water and Electric Co.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

Current expenses.

CHAPTER 521.

An act appropriating money to pay the claim of Tuolumne county against the State of California.

[Approved June 14, 1913. In effect immediately.]

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

SECTION 1. The sum of thirty-two hundred eight dollars and thirty-seven cents (\$3,208.37) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Tuolumne county against the State of California for the support of half orphans during the fifty-eighth, fifty-ninth, sixtieth and sixty-first fiscal years.

Appropriation: claim, Tuolumne county

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

Current expenses.

CHAPTER 522.

An act appropriating money to pay the deficiency in the appropriation for stationery, fuel, lights and supplies for the legislature and state offices for the sixty-second fiscal year.

[Approved June 7, 1913. In effect immediately.]

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

SECTION 1. The sum of eighteen hundred seventeen dollars and ten cents (\$1,817.10) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for stationery, fuel, lights and supplies to the legislature and state offices for the sixty-second fiscal year, said deficiency being represented by

Appropriation: deficiency, stationery, etc., legislature and state offices.

a claim of the Pacific Gas and Electric Company in the above amount.

Current expenses.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

CHAPTER 523.

An act appropriating money to pay the deficiency in the appropriation made by chapter 495, Statutes of 1909, to erect, construct and equip a pavilion to be used as a gymnasium for boys at the Sonoma State Home.

[Approved June 7, 1913. In effect immediately.]

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

Appropriation: deficiency, gymnasium, Sonoma State Home.

SECTION 1. The sum of eighteen hundred twenty-four dollars and two cents (\$1,824.02) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay a deficiency incurred during the year 1910 in the appropriation made by chapter 495, Statutes of 1909, to erect, construct and equip a pavilion to be used as a gymnasium for boys at the Sonoma State Home, said deficiency being represented by claims of Nathaniel Ellery in the sum of \$1,557.75 and W. P. Fuller & Company in the sum of \$258.28 and Crane Company in the sum of \$7.99.

Current expenses.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

CHAPTER 524.

An act appropriating money to pay the deficiency in the appropriation for contingent and traveling expenses of the department of engineering for the sixty-second fiscal year.

[Approved June 7, 1913. In effect immediately.]

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

Appropriation: deficiency, contingent expenses, etc., department of engineering.

SECTION 1. The sum of sixty-six dollars and sixty-five cents (\$66.65) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for contingent and traveling expenses of the department of engineering for the sixty-second fiscal year, said deficiency being represented by a claim of the Pacific Telephone and Telegraph Company in the above amount for telephone rental and exchange service in said year.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant on the state treasury for the

amount herein appropriated and the state treasurer is directed to pay the same.

SEC. 3. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately. Current expenses.

CHAPTER 525.

An act appropriating money to pay the deficiency in the appropriation made by chapter 70, Statutes 1909, for leveling and planting the grounds and painting and repairing the buildings at the State Agricultural Park.

[Approved June 7, 1913. In effect immediately.]

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

SECTION 1. The sum of two hundred twenty-two dollars and forty-one cents (\$222.41) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation made by chapter 70, Statutes of 1909, for leveling and planting the grounds and painting and repairing the buildings at the State Agricultural Park, said deficiency being represented by a claim of Charles Roehr in the above amount for work performed in the years 1909 and 1910. Appropriation: deficiency, improvements, State Agricultural Park.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately. Current expenses.

CHAPTER 526.

An act appropriating money to pay the deficiency in the appropriation for the arrest of criminals without the state for the sixty-second fiscal year.

[Approved June 7, 1913. In effect immediately.]

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

SECTION 1. The sum of one hundred three dollars and seventy cents (\$103.70) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency in the appropriation for the arrest of criminals without the state for the sixty-second fiscal year, said deficiency being represented by the claim of W. D. Hyde, state agent, in the above amount. Appropriation: deficiency, arrest of criminals without state.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately. Current expenses.

CHAPTER 527.

An act appropriating money to pay the deficiency in the appropriation made by chapter 332, Statutes 1907, for searching for beneficial insects.

[Approved June 7, 1913. In effect immediately.]

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

Appropriation deficiency, search for beneficial insects.

SECTION 1. The sum of ninety-two dollars and twenty cents (\$92.20) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the deficiency incurred in the appropriation made by chapter 332, Statutes 1907, for searching for beneficial insects, said deficiency being represented by the claim of James McGillivray (contractor) in the above amount.

Current expenses.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

CHAPTER 528.

An act appropriating money for completion and repairs of minor improvements at Preston School of Industry.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation, repairs, etc., Preston school.

SECTION 1. The sum of eighteen thousand one hundred dollars (\$18,100), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for completion and repairs and general improvements at Preston School of Industry.

CHAPTER 529.

An act appropriating money for the erection and equipment of a hospital at Preston School of Industry.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation, hospital, Preston school.

SECTION 1. The sum of twelve thousand dollars (\$12,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the erection and equipment of a hospital at the Preston School of Industry.

CHAPTER 530.

An act appropriating money for the purchase of special machinery and equipment at Preston School of Industry.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of sixty-nine hundred dollars (\$6,900), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the purchase of special machinery and equipment at Preston School of Industry.

Appropriation, machinery and equipment, Preston school.

CHAPTER 531.

An act appropriating money for building a wing to the trades building at Preston School of Industry.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of twelve thousand dollars (\$12,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be used in accordance with law for building a wing to the trades building at Preston School of Industry.

Appropriation, addition, trades building, Preston school.

CHAPTER 532.

An act providing money for the building and equipment of a new conservatory and propagating plant on the state capitol grounds at Sacramento.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of thirty-five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used in accordance with law for the construction and equipment of a new conservatory and propagating plant on the state capitol grounds at the city of Sacramento.

Appropriation: conservatory, etc., state capitol grounds.

CHAPTER 533.

An act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the constitution of this state and as provided in an act of the thirty-ninth session of the legislature entitled, "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the state, all relating to revenue and taxation."

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation
from in-
debtedness
account
separation
of taxes.

SECTION 1. There is hereby appropriated out of any money not otherwise appropriated the sum of one million four hundred thousand dollars for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten, as is provided in section fourteen of article thirteen of the constitution of this state and as provided in an act of the thirty-ninth session of the legislature entitled "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the state, all relating to revenue and taxation," and of said moneys hereby appropriated, the sum of seven hundred thousand dollars shall become available July 1, 1913, and the sum of seven hundred thousand dollars shall become available July 1, 1914.

When
available.

SEC. 2. The state controller is hereby directed to draw his warrant for said sum, or so much thereof as may be necessary for said fiscal years, in the manner and at the times and as is required by the provisions of section twenty-nine of an act of the thirty-ninth session of the legislature entitled "An act to carry into effect the provisions of section fourteen of article thirteen of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the state, all relating to revenue and taxation," and the state treasurer is hereby directed to pay the same.

CHAPTER 534.

An act making an appropriation to pay the claim of McNear Company, a corporation, against the State of California, for rent of the armory building at Petaluma, California.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of three hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claim of McNear Company, a corporation, against the State of California, for six months' rent for the armory building at Petaluma, California.

Appropriation claim, McNear Company.

SEC. 2. The state controller is hereby directed to draw his warrant in favor of said McNear Company for said sum of three hundred dollars, and the state treasurer is hereby directed to pay the same.

CHAPTER 535.

An act making an appropriation for the payment of the claim of Mr. Frederick Maskeu.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of eighty-eight dollars to pay the claim of Frederick Maskeu for money paid out by him as deputy quarantine officer of the state commissioner of horticulture in the case of the people of the State of California against S. C. Marcuse Company.

Appropriation claim, Frederick Maskeu.

SEC. 2. The controller of the state is hereby authorized to draw his warrant in favor of Frederick Maskeu for the amount hereby appropriated and the treasurer is directed to pay the same.

CHAPTER 536.

An act appropriating money to pay for the expense of improving First street in the city of Chico, fronting the property belonging to the state normal school in that city.

[Approved June 7, 1913. In effect immediately.]

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

SECTION 1. The sum of forty-three hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay for the expense of improving First street, in the city of Chico, fronting the property known as the state normal school in said city.

Appropriation: street work, Chico normal.

Current
expenses.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

CHAPTER 537.

An act making an appropriation for furniture, carpets, fixtures and other accessories for the use of the supreme court and for the clerk of the supreme court.

[Approved June 7, 1913. In effect immediately.]

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

Appropriation:
furniture,
etc.,
supreme
court.

SECTION 1. The unexpended balance of the appropriation made by chapter one hundred and thirty-nine, approved March 8, 1907, entitled "An act appropriating money for furniture, carpets, fixtures and other accessories for the use of the supreme court," which unexpended balance amounted, on January twenty-ninth, nineteen hundred and thirteen, according to the ledger account of the state controller, to ten thousand and seventy-four and 51/100 dollars, is hereby reappropriated and made available for the purposes enumerated above; *provided*, that the sum of six thousand dollars, or so much thereof as shall be needed, may, upon the approval, and under the direction, of the supreme court, be drawn from such appropriation and expended for the purchase of metal filing cases for the office of the clerk of the supreme court.

Current
expenses.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 538.

An act making an appropriation for the purpose of installing new elevators in the state capitol building.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation
elevators,
state
capitol
building.

SECTION 1. There is hereby appropriated, out of any money in the state treasury not otherwise appropriated, the sum of ten thousand dollars, to be expended under the direction of the department of engineering for the purpose of installing new elevators in the state capitol building at Sacramento.

SEC. 2. The state controller is hereby authorized to draw his warrant or warrants in favor of the department of engineering for the amount herein appropriated, and the state treasurer is hereby directed to pay the same.

CHAPTER 539.

An act to appropriate the sum of fifty dollars and two cents to pay the claims of the state board of health.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby appropriated out of the funds in the state treasury not otherwise appropriated the sum of fifty dollars and two cents (\$50.02) to pay the claims of the state board of health.

Appropriation: claim. state board of health.

SEC. 2. The state controller is hereby authorized to draw his warrant for the same, and the state treasurer is hereby authorized to pay the same.

CHAPTER 540.

An act to authorize the state board of prison directors to provide for assisting paroled and discharged prisoners and to secure employment for the same and making an appropriation for that purpose.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. The state board of prison directors shall have the power and authority to provide for assisting paroled and discharged prisoners and to secure employment for the same, and for that purpose they may employ one or more persons, may purchase tools, or give any other assistance that, in their judgment, they may deem proper for the purpose of carrying out the objects and the spirit of this act.

Assisting paroled prisoners to secure employment.

SEC. 2. Upon this act becoming effective, the state board of prison directors may draw upon the moneys herein appropriated in the amount of five hundred dollars, without submitting vouchers thereon, which amount shall, from time to time, be replenished by demand upon said appropriation equal to the amount of expenditures represented by vouchers submitted to the state board of control and filed with the controller.

May draw \$500.

SEC. 3. The sum of thirty-five thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the purposes of this act; the state controller is hereby directed to draw his warrant therefor, payable to the state board of prison directors in such amount as may be required from time to time, and the state treasurer is directed to pay the same.

Appropriation.

CHAPTER 541.

An act to provide for the issuance and sale of state bonds to create a fund for the construction, erection, equipment, completion and furnishing of a state building or buildings upon a lot of land in the city and county of San Francisco, to be used by the officers and departments of the state which are located in said city and county of San Francisco, which lot of land has been secured from the city and county of San Francisco in exchange for the lot heretofore purchased by the state for said purposes; and to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; and making an appropriation of one thousand dollars for the printing and sale of said bonds; and providing for the submission of this act to the vote of the people.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the commission for the construction, erection, equipment, completion and furnishing of a state building or buildings in the city and county of San Francisco as provided in an act entitled "An act to provide for the construction, erection, equipment and furnishing of a building or buildings in the city and county of San Francisco and for the improvement of the grounds thereof for the use and occupancy of the officers and departments of the state government of the State of California located in said city and county of San Francisco, and repealing other acts in conflict herewith," the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section ten hereof, prepare one thousand suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from one to one thousand, inclusive, and to bear the date of the second day of July, 1915; the whole issue of said bonds shall not exceed the sum of one million dollars and the said bonds shall bear interest at the rate of four per cent per annum from the time of the issuance thereof, and both principal and interest shall be payable in gold coin of the present standard value and they shall be payable at the office of the state treasurer at the times and in the manner following, to wit: The first twenty of said bonds shall be due and payable on the second day of July, 1916, and twenty of said bonds, in consecutive numerical order, shall be due and payable on the second day of July in each and every year thereafter until and including the second day of July, 1965. The interest accruing on such of said bonds as are sold shall be due and payable at the office of the state treasurer on the second day of January and on the second day of July of each

Bonds
for state
building
in San
Francisco.

Interest.

When
payable.

year after the sale of the same; *provided*, that the first payment of interest shall be made on the second day of January, 1916, on so many of said bonds as may have been theretofore sold. The state treasurer shall, on the second day of July, A. D. 1965, call in, cancel and destroy all bonds not theretofore sold and issued at the date of the maturity thereof. All bonds issued shall be signed by the governor and countersigned by the state controller and shall be endorsed by the state treasurer and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the second day of July, 1915, and each shall have the seal of the State of California stamped thereon. The said bonds so signed, countersigned, endorsed and sealed, as herein provided for, when sold, shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the persons so signing, countersigning or endorsing, or any of them, shall cease to be the incumbents of said office or offices.

Signed by
governor.

SEC. 2. Interest coupons shall be attached to each of said bonds so that such coupons may be detached without injury to or mutilation of the bond. Said coupons shall be consecutively numbered, and shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds, and the issue and sale thereof to a purchaser.

Interest
coupons.

SEC. 3. The sum of one thousand dollars is hereby appropriated to pay the expenses that may be incurred by the state treasurer in the printing and sale of said bonds. Said amount shall be paid out of the general fund on the state controller's warrants duly drawn for that purpose.

Appropriation.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be sold by the state treasurer at public auction to the highest bidder for cash, in such parcels and numbers as said state treasurer shall determine; but said treasurer must reject any and all bids for said bonds or for any of them, which shall be below the par value of said bonds so offered for sale, and he may by public announcement at the place and time fixed for the sale, for good and sufficient cause, continue such sale as to the whole of the bonds offered or any part thereof offered, to such time and place as he may select, not exceeding, however, sixty days. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. The cost of such publication shall be paid out of the general fund of the state on controller's warrants duly drawn for that purpose. The proceeds of the sale of such bonds shall be forth-

Sale of
bonds.

Notice
of sale.

"San Francisco state building fund."

with paid over by said treasurer into the treasury and must be by him kept in a separate fund to be known and designated as the "San Francisco state building fund" and must be used exclusively for the construction, erection, equipment, completion and furnishing of a state building or buildings in the city and county of San Francisco. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn and paid for other state work under the control of the said department of engineering.

Sinking fund.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "San Francisco state building sinking fund" shall be and the same is hereby created as follows: The state treasurer shall, on the ~~second day~~ of January and on the second day of July, commencing on the second day of January, 1916, and thereafter on the second day of July and the second day of January of each and every year thereafter in which a portion of the bonds sold pursuant to the provisions of this act shall become due, transfer from the general fund of the state treasury to the said "San Francisco state building sinking fund" such an amount of the moneys appropriated by this act as may be required to pay the principal and interest of the bonds so becoming due and payable in such years. There is hereby appropriated from the general fund in the state treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds, issued and sold pursuant to the provisions of this act, as said principal and interest becomes due and payable. There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

Revenue for purpose.

Payment of principal and interest.

SEC. 6. The principal on all of said bonds sold shall be paid at the time the same becomes due from the said San Francisco state building sinking fund and the interest on all bonds sold shall be paid at the time said interest becomes due from said sinking fund. Both principal and interest shall be so paid upon warrants duly drawn by the controller of the state upon demands audited by the state board of control and the faith of the State of California is hereby pledged for the payment of the principal of said bonds so sold and the interest accruing thereon.

Records and reports.

SEC. 7. The state controller and the state treasurer shall keep full and particular account and record of all of their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report to be by the governor laid before the legisla-

ture biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Sec. 8. This act, if adopted by the people, shall take effect ^{In effect.} on the first day of December, 1914, as to all its provisions, excepting those relating to and necessary for its submission to the people and for the returning, canvassing and proclaiming the votes, and as to the said excepted provisions, this act shall take effect ninety days after the final adjournment of this session of the legislature.

Sec. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election to be holden in the month of November, A. D. 1914, and all ballots at said election shall have printed thereon the words "For the San Francisco State Building Act" and in the same square, under said words, the following in brevier type: "This act provides for the issuance and sale of state bonds to create a fund for the construction, erection, equipment, completion and furnishing of a state building or buildings upon a lot of land in the city and county of San Francisco, to be used by the officers and departments of the state which are located in said city and county of San Francisco." In the square immediately below the square containing said words there shall be printed on said ballot the words "Against the San Francisco State Building Act" and immediately below said words "Against the San Francisco State Building Act," in brevier type, shall be printed "This act provides for the issuance and sale of state bonds to create a fund for the construction, erection, equipment, completion and furnishing of a state building or buildings upon a lot of land in the city and county of San Francisco, to be used by the officers and departments of the state which are located in said city and county of San Francisco." Opposite the words "For the San Francisco State Building Act" and "Against the San Francisco State Building Act" there shall be left spaces in which the voters may stamp a cross indicating whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Francisco State Building Act," and those voting against said act shall do so by placing a cross opposite the words "Against the San Francisco State Building Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election. ^{Act submitted to people.}

Sec. 10. The vote cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election, as aforesaid, then the same shall have effect as here- ^{Counting of vote.}

inabove provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast, as aforesaid, are against this act, then the same shall be and become void.

Notice
preceding
election.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and fourteen; the costs of publication shall be paid out of the general fund, on controller's warrants, duly drawn for that purpose.

Title
of act.

SEC. 12. This act shall be known and cited as the "San Francisco state building act."

SEC. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 542.

An act to provide for the construction, erection, equipment and furnishing of a building or buildings in the city and county of San Francisco and for the improvement of the grounds thereof for the use and occupancy of the officers and departments of the state government of the State of California located in said city and county of San Francisco, and repealing other acts in conflict herewith.

[Approved June 7, 1913. In effect December 1, 1913.]

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

Engineer-
ing depart-
ment
authorized
to con-
struct
state
building
in San
Francisco.

SECTION 1. The department of engineering of the State of California is hereby authorized and directed to construct, erect, equip and furnish the necessary building or buildings upon a lot of land situated in the city and county of San Francisco for the use and occupancy of the officers and departments of the state government located in said city and county, out of the proceeds of the sale of bonds to be authorized by the vote of the people in accordance with that certain act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the construction, erection, equipment, completion and furnishing of a state building or buildings upon a lot of land in the city and county of San Francisco, to be used by the officers and departments of the state which are located in said city and county of San Francisco, which lot of land has been secured from the city and county of San Francisco in exchange for the lot heretofore purchased by the state for said purposes; and to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; and making an appropriation of one thousand dollars for the printing and sale of said bonds; and

providing for the submission of this act to the vote of the people."

SEC. 2. The plans for the construction of such building or buildings shall be prepared by said department of engineering, and before any work of construction is commenced thereon, shall be submitted to and approved by a special commission consisting of the governor, the attorney general and the chief justice of the supreme court, which said commission is hereby created for such purpose. Plans.
Comm.

SEC. 3. The superintendent of capitol building and grounds is authorized and directed to assume entire supervision over the said building or buildings when the same are finally completed to the satisfaction of said commission and ready for occupancy, and for that purpose may employ such assistants, clerks and employees as may be necessary, the number thereof and the compensation to be paid to each to be subject to the approval of the state board of control. Supervi-
sion of
building.

SEC. 4. This act shall take effect upon the first day of December, 1914, if the act mentioned in section one hereof is approved by the vote of the people, and in such event the act of June 12, 1906, entitled "An act to provide for the selection, location, acquisition and purchase of a site or sites, in the city and county of San Francisco, State of California, for the erection, equipment and furnishing of a building or buildings, and for the improvement of the grounds thereof, for the use and occupancy of the officers and departments of the state government of the State of California maintaining headquarters in said city of San Francisco, and making an appropriation therefor," shall then be repealed and be of no further effect. In effect.

CHAPTER 543.

An act appropriating money to pay the claim of the Fowler Independent Telephone Company against the State of California.

[Approved June 7, 1913. In effect immediately.]

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

SECTION 1. The sum of fifty-nine and eighty-nine one-hundredths dollars (\$59.89) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of the Fowler Independent Telephone Company for the return of taxes erroneously assessed and collected by the State of California. Appropriation:
claim.
Fowler
Independent
Tele-
phone
Company

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately. Current
expenses.

CHAPTER 544.

An act to appropriate the sum of three hundred and fifty-eight and 50/100 dollars to pay the claims of the state board of health.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation
claims,
state
board of
health.

SECTION 1. There is hereby appropriated out of the funds in the state treasury not otherwise appropriated the sum of three hundred and fifty-eight and 50/100 dollars (\$358.50) to pay the claims of the state board of health.

SEC. 2. The state controller is hereby authorized to draw his warrant for the same, and the state treasurer is hereby authorized to pay the same.

CHAPTER 545.

An act creating a revolving fund for the purchase of ballot paper, prescribing its use and appropriating money therefor.

[Approved June 7, 1913. In effect immediately.]

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

Appropriation;
revolving
fund,
ballot
paper.

SECTION 1. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to be paid into and constitute a revolving fund for the purchase of ballot paper, which fund is hereby created. Said fund shall be used for the purchase of ballot paper in carrying out the provisions of section 1196 of the Political Code, and shall be reimbursed by the receipts from the county or municipality obtaining such paper in accordance with said section. Said fund shall at all times be intact and represented either by cash on hand in the state treasury or by ballot paper in the custody of the secretary of state, purchased from said fund and having a cost value equal to the amount necessary to bring the total fund up to ten thousand dollars.

Current
expenses.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

CHAPTER 546.

An act appropriating money to pay the claim of Vincent Bona against the State of California.

[Approved June 9, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of two hundred fifty dollars is hereby appropriated to pay the claim of Vincent Bona against the State of California, and the state controller is hereby directed to draw his warrant in favor of Vincent Bona for said sum of two hundred fifty dollars and the state treasurer is hereby directed to pay the same.

Appropriation: claim, Vincent Bona.

CHAPTER 547.

An act appropriating money to pay the claim of Associated Contracting Company, a corporation, against the State of California.

[Approved June 14, 1913. In effect immediately.]

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

SECTION 1. The sum of five hundred and six dollars (\$506) is hereby appropriated out of any money in the San Francisco harbor improvement fund to pay the claim of Associated Contracting Company, a corporation, against the State of California, for a barge load of rock used in the construction of section 8 of the sea wall in the city and county of San Francisco and the board of state harbor commissioners is hereby authorized and directed to draw its draft in the amount named, in favor of said company.

Appropriation: claim, Associated Contracting Company.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall under the provisions of section 1, article IV, of the constitution of the State of California, take effect immediately.

Current expenses.

CHAPTER 548.

An act appropriating money for the purpose of insuring the state printing plant.

[Approved June 7, 1913. In effect immediately.]

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

SECTION 1. The sum of two thousand five hundred dollars (\$2500) is hereby appropriated out of any money in the state treasury not otherwise appropriated to be paid according to law to the superintendent of state printing for the purpose of insuring the state printing plant.

Appropriation: insurance, state printing plant.

Current
expenses.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

CHAPTER 549.

An act to provide for the partial completion and partial furnishing of the armory for the national guard at San Francisco, and making an appropriation therefor.

[Approved June 7, 1913. In effect August 10, 1913.]

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

Appropriation:
partial
completion
armory,
San
Francisco.

SECTION 1. The sum of seven thousand (\$7,000) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for the partial completion and partial furnishing of the armory for the national guard at San Francisco.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants for the amount hereby appropriated in favor of the officer or officers authorized by law to receive the same in such amounts and at such times as may be approved by the state board of control, and the state treasurer is directed to pay the same.

CHAPTER 550.

An act to provide for the purchase by the State of California of the armory building and wharf located on the bay of San Diego and making available and reappropriating certain moneys for the purchase of said armory and wharf.

[Approved June 14, 1913. In effect August 10, 1913.]

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

Appropriation:
purchase,
naval
reserve
armory
and wharf,
San Diego.

SECTION 1. The sum of thirty-five hundred dollars now remaining in the appropriation made by chapter 364 of the Statutes of 1911 (approved April 5, 1911) is hereby reappropriated and made available, and is to be paid to the adjutant general of the State of California, ex officio quartermaster general, to be expended by him in the purchase of the armory building and wharf and all parts thereof known as the naval reserve armory and wharf, located on the bay of San Diego at the foot of Twenty-eighth street of the city of San Diego, California, for the use of the naval militia of the State of California.

Condi-
tions.

SEC. 2. Before the payment or payments are made for the said building and wharf it must be shown to the quarter-

master general that the building has been finished in a workmanlike manner, properly painted, and electric wired, and that the piling of said wharf has been concreted in a proper manner; and further, provided, that the said city of San Diego is hereby authorized to and shall recede and convey to the State of California the tide land now occupied by the said naval reserve armory and wharf located on the bay of San Diego at the foot of Twenty-eighth street of the city of San Diego, California, for the use of the naval militia of the State of California; the said city reserving the rights of way for the necessary street or streets across said wharf.

SEC. 3. The governor of the State of California is hereby authorized to receive delivery on behalf of the state from the city of San Diego conveyance of the aforesaid tide lands when made by the said city to the State of California.

SEC. 4. The state controller is hereby authorized and directed to draw his warrant or warrants in favor of the person or persons at such times and in such sums as said adjutant general shall present claims for, and the treasurer is directed to pay the same.

CHAPTER 551.

An act to provide for the issuance and sale of state bonds to be known as "state fair grounds bonds," to provide a fund for the acquirement of additional land for the enlargement and extension of the state fair grounds in the city of Sacramento, the erection of additions to buildings now existing on said grounds, the erection of new buildings thereon, the equipping of said buildings and the general improvement and beautification of said state fair grounds as a complete plant for the exhibition and exploitation of the resources and products of the state; appropriating the proceeds thereof for said purposes and providing for the manner in which the same shall be expended; creating a sinking and interest fund for the payment of interest on said bonds and the redemption thereof, making an appropriation therefor and providing for the collection of revenue for such purposes; making an appropriation for the expense of preparing such bonds and providing for the submission of this act to a vote of the people.

[Approved June 7, 1913. In effect August 10, 1913.]

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

SECTION 1. For the purpose of creating and providing a fund for the indebtedness hereby authorized to be incurred, as hereinafter provided, the state treasurer shall immediately after the issuance of the proclamation of the governor, provided for in section ten hereof, prepare one thousand five hundred suitable bonds of the State of California, in the denomination of five hundred dollars each. The whole issue of said

State
fair
grounds
bonds.

bonds shall not exceed the sum of seven hundred and fifty thousand dollars, and said bonds shall bear interest at the rate of four per centum per annum from the date of issuance thereof, and both principal and interest shall be payable in gold coin of the present standard of value, and they shall be payable at the office of the state treasurer, at the expiration of fifty years from their date. Said bonds shall bear date the second day of July, 1915, and shall be payable on the second day of July, 1965. The interest accruing on such of said bonds as are sold shall be due and payable at the office of the state treasurer on the second day of January and on the second day of July of each year after the sale of the same. At the expiration of fifty years from the date of said bonds all bonds sold shall cease to bear interest and the state treasurer shall call in, forthwith pay and cancel the same out of the moneys in the sinking and interest fund provided for in this act. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer, and the said bonds shall be so signed, countersigned, and endorsed by the officers who are in office on the second day of July, 1915, and each of said bonds shall have the seal of the state impressed thereon. The said bonds signed, countersigned, endorsed and sealed as herein provided when sold shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person signing, countersigning and endorsing, or any or either of them, shall have ceased to be the incumbents of such office or offices.

Interest coupons. SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said bonds shall be consecutively numbered, and shall bear the lithographed signature of the state treasurer who shall be in office on the second day of July, 1915. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Appropriation. SEC. 3. The sum of two thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the expenses that may be incurred by the state treasurer in having said bonds prepared.

Sale of bonds. SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be sold by the state treasurer at public auction to the highest bidder for cash in such parcels and numbers as shall be directed by the governor of the state; but the state treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date and he may, by public announce-

ment, at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. When a sale is continued, as hereinabove provided, no notice need be given other than the public announcement of the continuance, as hereinabove provided. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons which have matured before the date fixed for such sale. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in one newspaper published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. In addition to the notice last above provided for the state treasurer must give such further notice as he may deem advisable, but the expenses and costs of such additional notice shall not exceed five hundred dollars for each sale so advertised. The costs of such publications shall be paid out of any moneys in the state treasury not otherwise appropriated on controller's warrants duly drawn for such purpose. The proceeds of the sale of such bonds, except such amount as may have been paid as accrued interest thereon, shall be forthwith paid over by said treasurer into the state treasury, and must be by him kept in a separate fund, to be known and designated as the "state fair grounds fund" which fund is hereby established. Any and all sums which may have been paid as accrued interest shall be forthwith paid over by said treasurer into the state treasury, and must be by him kept in a separate fund to be known and designated as the "state fair grounds sinking and interest fund," which fund is hereby established.

To
detach
matured
coupons.

Notice
of sale.

State
fair
grounds
fund.

SEC. 5. Any and all moneys derived from the sale of the bonds provided for in this act, are hereby appropriated and shall be used exclusively for the following purpose, to wit: For the acquiring of additional land for the enlargement and extension of the state fair grounds in the city of Sacramento, the erection of additions to buildings now existing on said grounds, the erection of new buildings on said grounds, the equipping of said buildings and the general improvement and beautification of said state fair grounds as a complete plant for the exhibition and exploitation of the resources and products of this state. The funds herein appropriated shall be expended under the direction and control of the state board of agriculture; *provided*, that the plans and specifications for the erection of additions to existing buildings and for the erection of new buildings and for the improvement and beautification of said state fair grounds shall be prepared by the state department of engineering subject to the approval of the state board of agriculture, and all work at said state fair grounds to be paid for from the funds created by this act shall be carried out in accordance with the general law govern-

Additional
land and
buildings.

Plans.

ing the construction and prosecution of all public work for the State of California.

Annual appropriation to pay principal.

To pay interest.

Semi-annual transfer of funds.

Payment of principal.

SEC. 6. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of twelve thousand five hundred dollars annually, to pay the principal of the bonds issued and sold pursuant to the provisions of this act. Said annual appropriation to continue until the same, together with the accrued interest on the investment thereof, shall be sufficient to pay the principal of said bonds at the maturity thereof. There is also hereby appropriated out of any moneys in the state treasury not otherwise appropriated, such sum annually as will be necessary to pay the interest on the bonds issued and sold pursuant to the provisions of this act. There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the other revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum. On the 2d day of January and on the 2d day of July of each year, after the sale of any bonds as herein provided for, the state treasurer and state controller shall transfer from the moneys hereby appropriated to the state fair grounds sinking and interest fund, a sufficient sum of money to pay all interest due and payable on any bonds sold, and said transfer shall continue to be so made up to the date of maturity of such bonds and it shall be the duty of the state treasurer to pay the same when the same shall fall due. On the first Monday in July of each year, after the sale of any of the bonds as in this act provided, the state controller and the state treasurer are hereby authorized and directed to transfer the moneys hereby appropriated for the payment of the principal of said bonds to the said state fair grounds sinking and interest fund. The moneys so transferred to the said state fair grounds sinking and interest fund for the payment of the principal of said bonds, shall be invested from time to time by the state treasurer in United States, state, county, city and county, municipal or school district bonds issued in the State of California, and such other bonds as are now or may hereafter be authorized by law. All interest payable on such bonds so invested shall be paid into the said state fair grounds sinking and interest fund and be applied and held for the payment of the principal of said bonds or reinvested in other bonds for the payment of such principal, as herein provided. The principal of all said bonds sold shall be paid at the time the same becomes due, from the state fair grounds sinking and interest fund and the interest on all bonds sold shall be paid at the time said interest becomes due from said fund and the faith of the State of California is hereby pledged for the payment of the principal of said bonds so sold and the interest accruing

thereon. The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Records.
Report.

SEC. 7. When the bonds provided for this act are redeemed, the state treasurer shall mark the same cancelled, and shall, in the presence of the governor, destroy the same by burning the said bonds.

Redeemed
bonds
destroyed.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, 1914, as to all its provisions excepting those relating to and necessary for its submission to the people, and for returning, canvassing and proclaiming the votes, and as to said excepted provisions this act shall go into effect ninety days after the final adjournment of the session of the legislature passing the same.

In effect.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election to be holden in the month of November, nineteen hundred and fourteen, and all ballots at said election shall have printed thereon the words "For the state fair grounds bonds" and such other designation as may be necessary to properly identify this act. In a square immediately below the square containing said words there shall be printed on said ballot the words "Against the state fair grounds bonds." Opposite the words "For the state fair grounds bonds" and "Against the state fair grounds bonds." there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against this act, and those voting for said act shall do so by placing a cross opposite the words "For the state fair grounds bonds" and those voting against said act shall do so by placing a cross opposite the words "Against the state fair grounds bonds." The governor of this state shall include the submission of this act to the people as aforesaid, in his proclamation calling for said general election.

Act sub-
mitted to
people.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rule as votes cast for state officers; and if it appears that said act shall have received a majority of all of the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if the majority of the votes cast aforesaid are against this act then the same shall be and become void.

Canvass
of votes.

CHAPTER 552.

An act making an appropriation to pay the cost of printing, publishing and distributing state text-books free to the school children of the state in accordance with the provisions of the constitution.

[Approved June 9, 1913. In effect immediately.]

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

Appropriation: free text-books.

SECTION 1. The sum of five hundred thousand dollars (\$500,000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the cost of printing, publishing and distributing state text-books free to the school children of the state in accordance with section 7 of article IX of the constitution of the State of California. The expense of publishing shall include the payment of royalties and all material, labor and other expenses necessary to the mechanical work of printing and binding said books.

All books shall be printed upon the order of the superintendent of public instruction and claims shall be drawn after being certified to by the superintendent of state printing as provided by law. The expense of distributing shall consist of postage, expressage, freight or other delivery, clerical or other help and all other necessary expenses connected with such distribution, the claims for same to be presented and certified to by either of the above state officers incurring the same and audited and allowed in the manner provided by law.

Current expenses.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

CHAPTER 553.

An act to amend chapter 14 of the laws of the extraordinary session of the legislature of California of 1911, approved December 23, 1911, known as the public utilities act, by amending sections 2, 5, 10, 17, 42, 56, 57, 59 and 86 thereof.

[Approved June 14, 1913. In effect August 10, 1913.]

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

Definitions:

SECTION 1. Section 2 of the public utilities act, approved December 23, 1911, is hereby amended to read as follows:

"commission"

SECTION 2. (a) The term "commission," when used in this act, means the railroad commission of the State of California.

(b) The term "commissioner," when used in this act, means one of the members of the commission.

(c) The term "corporation," when used in this act, includes "corporation" a corporation, a company, an association and a joint-stock association.

(d) The term "person," when used in this act, includes an "person" individual, a firm and a copartnership.

(e) The term "transportation of persons," when used in "transportation of persons" this act, includes every service in connection with or incidental to the safety, comfort or convenience of the person transported and the receipt, carriage and delivery of such person and his baggage.

(f) The term "transportation of property," when used in "transportation of property" this act, includes every service in connection with or incidental to the transportation of property, including in particular its receipt, delivery, elevation, transfer, switching, carriage, ventilation, refrigeration, icing, dunnage, storage and handling, and the transmission of credit by express corporations.

(g) The term "street railroad," when used in this act, "street railroad" includes every railway, and each and every branch or extension thereof, by whatsoever power operated, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any city and county, or city or town, together with all real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property; but the term "street railroad," when used in this act, shall not include a railway constituting or used as a part of a commercial or interurban railway.

(h) The term "street railroad corporation," when used in "street railroad corporation" this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any street railroad for compensation within this state.

(i) The term "railroad," when used in this act, includes "railroad" every commercial, interurban and other railway other than a street railroad, and each and every branch or extension thereof, by whatsoever power operated, together with all tracks, bridges, trestles, rights of way, subways, tunnels, stations, depots, union depots, ferries, yards, grounds, terminals, terminal facilities, structures and equipment, and all other real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property.

(j) The term "railroad corporation," when used in this act, "railroad corporation" includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any railroad for compensation within this state.

(k) The term "express corporation," when used in this act, "express corporation" includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in or transacting the business of transporting any

freight, merchandise or other property for compensation on the line of any common carrier or stage or auto stage line within this state.

"common carrier"

(*l*) The term "common carrier," when used in this act, includes every railroad corporation; street railroad corporation; express corporation; dispatch, sleeping car, dining car, drawing room car, freight, freight-line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading and every other car corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating for compensation within this state; and every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any vessel regularly engaged in the transportation of persons or property for compensation upon the waters of this state or upon the high seas, over regular routes between points within this state.

"pipe line"

(*m*) The term "pipe line," when used in this act, includes all real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the transmission, storage, distribution or delivery of crude oil or other fluid substances except water through pipe lines.

"pipe line corporation"

(*n*) The term "pipe line corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any pipe line for compensation within this state.

"gas plant"

(*o*) The term "gas plant," when used in this act, includes all real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of gas (natural or manufactured) for light, heat or power.

"gas corporation"

(*p*) The term "gas corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any gas plant for compensation within this state, except where gas is made or produced on and distributed by the maker or producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

"electric plant"

(*q*) The term "electric plant," when used in this act, includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of electricity for light, heat or power, and all conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

"electrical corporation"

(*r*) The term "electrical corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, own-

ing, controlling, operating or managing any electric plant for compensation within this state, except where electricity is generated on or distributed by the producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

(s) The term "telephone line," when used in this act, includes all conduits, ducts, poles, wires, cables, instruments and appliances, and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires. "telephone line"

(t) The term "telephone corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telephone line for compensation within this state. "telephone corporation"

(u) The term "telegraph line," when used in this act, includes all conduits, ducts, poles, wires, cables, instruments and appliances, and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telegraph, whether such communication is had with or without the use of transmission wires. "telegraph line"

(v) The term "telegraph corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telegraph line for compensation within this state. "telegraph corporation"

(w) The term "water system," when used in this act, includes all reservoirs, tunnels, shafts, dams, dikes, head-gates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment or measurement of water for power, irrigation, reclamation or manufacturing, or for municipal, domestic or other beneficial use. "water system"

(x) The term "water corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any water system for compensation within this state. "water corporation"

(y) The term "vessel," when used in this act, includes every species of water craft, by whatsoever power operated, which is owned, controlled, operated or managed for public use in the transportation of persons or property. "vessel"

(z) The term "wharfinger," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees, appointed by any court whatsoever, owning, controlling, operating or managing any dock, wharf or structure used by vessels in connection with or to facilitate the receipt "wharfinger"

or discharge of freight or passengers for compensation within this state.

"warehouseman"

(aa) The term "warehouseman," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any building or structure in which property is regularly stored for compensation within this state, in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of the same, other than a dock, wharf or structure, owned, operated, controlled or managed by a wharfinger.

"public utility."

(bb) The term "public utility," when used in this act, includes every common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger and warehouseman, where the service is performed for or the commodity delivered to the public or any portion thereof. The term "public or any portion thereof" as herein used means the public generally, or any limited portion of the public including a person, private corporation, municipality or other political subdivision of the state, for which the service is performed or to which the commodity is delivered, and whenever any common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger or warehouseman performs a service or delivers a commodity to the public or any portion thereof for which any compensation or payment whatsoever is received, such common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger or warehouseman is hereby declared to be a public utility subject to the jurisdiction, control and regulation of the commission and the provisions of this act. Furthermore, when any person or corporation performs any service or delivers any commodity to any person or persons, private corporation or corporations, municipality or other political subdivision of the state, which in turn either directly or indirectly, mediately or immediately, perform such service or deliver such commodity to or for the public or some portion thereof, such person or persons, private corporation or corporations and each thereof is hereby declared to be a public utility, and to be subject to the jurisdiction, control and regulation of the commission and to the provisions of this act.

SEC. 2. Section 5 of the public utilities act is hereby amended to read as follows:

Secretary.

Section 5. The commission shall appoint a secretary, who shall hold office during its pleasure. It shall be the duty of the secretary to keep a full and true record of all proceedings of the commission, to issue all necessary process, writs, warrants and notices, and to perform such other duties as the commission may prescribe. The commission may appoint an assistant secretary, who shall have all the powers conferred by

Assistant secretary.

law upon peace officers to carry weapons, make arrests and serve warrants and other process in any county or city and county of this state. The secretary and the assistant secretary shall have power to administer oaths, certify to all official acts, and issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the state.

SEC. 2½. Section 10 of the public utilities act is hereby amended to read as follows:

Section 10. (a) The annual salary of each commissioner shall be eight thousand (8,000) dollars. All officers, experts, engineers, statisticians, accountants, inspectors, clerks and employees of the commission shall receive such compensation as may be fixed by the commission. The commissioners, attorney, secretary, rate expert and assistant secretary shall be civil executive officers and their salaries as fixed by law or the commission shall be paid in the same manner as are the salaries of other state officers. The salary or compensation of every other person holding office or employment under the commission shall be paid monthly from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the board of control. Salaries.

(b) All expenses incurred by the commission pursuant to the provisions of this act, including the actual and necessary traveling and other expenses and disbursements of the commissioners, their officers and employees, incurred while on business of the commission, shall be paid from the funds appropriated for the use of the commission, after being approved by the commission, upon claims therefor to be audited by the board of control. Expenses.

SEC. 3. Section 17 of the public utilities act is hereby amended to read as follows:

Section 17. (a) 1. No common carrier subject to the provisions of this act shall engage or participate in the transportation of persons or property, between points within this state, until its schedules of rates, fares, charges and classifications shall have been filed and published in accordance with the provisions of this act. Rate schedules must be filed.

2. No common carrier shall charge, demand, collect or receive a greater or less or different compensation for the transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time: nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares or charges so specified, except upon order of the commission as hereinafter provided, nor extend to any corporation or person any privilege or facility in the transportation of passengers or property except such as are regularly and uniformly extended to all corporations and persons. Only schedule rates to be charged.

Free tickets prohibited.

Persons to whom reduced rates may be given.

"Employees" defined.

"Families."

Tickets to shippers.

3. No common carrier subject to the provisions of this act shall, directly or indirectly, issue, give or tender any free ticket, free pass or free or reduced-rate transportation for passengers between points within this state, except to its officers, agents, employees, attorneys, physicians and surgeons, and members of their families; to ministers of religion, traveling secretaries of railroad men's religious associations, or executive officers, organizers or agents of railroad employees' mutual benefit associations giving the greater portion of their time to the work of any such association; inmates of hospitals or charitable or cleemosynary institutions, and persons exclusively engaged in charitable or cleemosynary work, and persons and property engaged or employed in educational work or scientific research or in patriotic work when permitted by the commission; to the executive officers of mercantile or promotion boards or bodies within this state when traveling in the performance of duties affecting the advancement of the business of such boards or bodies, or the development of trade or industry within or without this state, when authorized by the commission; to hotel employees of season resort hotels, when authorized by the commission; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers, going and returning, of live stock, poultry, milk, fruit and other freight, under uniform and non-discriminatory regulations; to employees of sleeping car corporations, express corporations and telegraph and telephone corporations; to railway mail service employees, United States internal revenue officers, post office inspectors, customs officers and inspectors and immigration inspectors when traveling in the course of their official duty; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the carrier is interested, persons injured in accidents or wrecks and physicians and nurses attending such persons; *provided*, that the term "employees," as used in this section, shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such carrier, ex-employees traveling for the purpose of entering the service of any such carrier, and the remains of persons dying while in the employment of any such carrier; and the term "families," as used in this section, shall include the families of those persons heretofore named in this proviso, the families of persons killed, and the widows during widowhood and minor children during minority of persons who died while in the service of any such carrier; *and provided*, *further*, that no free ticket, free pass or free or reduced-rate transportation shall be issued, given or tendered to any officer, agent or employee of a common carrier, who is at the same

time a shipper or receiver of freight, or an officer, agent or employee of a shipper or receiver of freight, unless such officer, agent or employee devotes substantially his entire time to the service of such carrier; *and provided, further*, that the members of the railroad commission, their officers and employees, shall be entitled, when in the performance of their official duties, to free transportation over the lines of all common carriers within this state; *and provided, further*, that passenger transportation may issue to the proprietors and employees of newspapers and magazines and the members of their immediate families, in exchange for advertising space in such newspapers or magazines at full rates, subject however to such reasonable restrictions as the commission may impose. Nothing in this act contained shall be construed to prohibit the issue by express corporations of free or reduced-rate transportation for express matter to their officers, agents, employees, attorneys, physicians and surgeons, and members of their families, or the interchange of free or reduced-rate transportation for passengers or express matter between common carriers, their officers, agents, employees, attorneys, physicians and surgeons and members of their families where such common carriers are subject in whole or in part to the jurisdiction of the commission or of the interstate commerce commission; *provided*, that such express matter be for the personal use of the person to or for whom such free or reduced-rate transportation is granted, or of his family: nor to prohibit the issue of passes or franks by telegraph or telephone corporations to their officers, agents, employees, attorneys, physicians and surgeons, and members of their families, or the exchange of passes or franks between such telegraph and telephone corporations or between such corporations and such common carriers, for their officers, agents, employees, attorneys, physicians and surgeons, and members of their families: nor to prevent the carrying out of contracts for free or reduced-rate passenger transportation heretofore made, founded upon adequate consideration and lawful when made: nor to prevent a common carrier from transporting, storing or handling, free or at reduced rates, the household goods and personal effects of its employees, of persons entering or leaving its service, and of persons killed or dying while in its service.

4. Every common carrier subject to the provisions of this act may transport, free or at reduced rates, persons or property for the United States, state, county or municipal governments, or for charitable purposes, or for patriotic purposes, or to provide relief in cases of general epidemic, pestilence or other calamitous visitation, and property to or from fairs or expositions for exhibit thereat; also contractors and their employees, material or supplies for use or engaged in carrying out their contracts with said carriers, for construction, operation or maintenance work or work incidental thereto on the line of the issuing carrier, to the extent only that such free or reduced-rate transportation is provided for in the specifications

Railroad
com-
mission.

To news-
papers.

Express
matter at
reduced
rates.

Telegraph.

Transportation
for U. S.,
state, etc.

upon which the contract is based and in the contract itself. Common carriers may also enter into contracts with telegraph and telephone corporations for an exchange of service.

Refunds
prohibited.

(b) Except as in this section otherwise provided, no public utility, shall charge, demand, collect or receive a greater or less or different compensation for any product or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates, tolls, rentals and charges applicable to such product or commodity or service as specified in its schedules on file and in effect at the time, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls, rentals and charges so specified, nor extend to any corporation or person any form of contract or agreement or any rule or regulation or any facility or privilege except such as are regularly and uniformly extended to all corporations and persons; *provided*, that the commission may by rule or order establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each public utility.

SEC. 4. Section 42 of the public utilities act is hereby amended to read as follows:

Safety
devices.

Section 42. The commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules or regulations, or otherwise, to require every public utility to construct, maintain and operate its line, plant, system, equipment, apparatus, tracks and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and to this end to prescribe, among other things, the installation, use, maintenance and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices at grade crossings or junctions and block or other systems of signalling, to establish uniform or other standards of construction and equipment, and to require the performance of any other act which the health or safety of its employees, passengers, customers or the public may demand.

SEC. 5. Section 56 of the public utilities act is hereby amended to read as follows:

Copies
of docu-
ments.

Section 56. (a) Copies of all official documents and orders filed or deposited according to law in the office of the commission, certified by a commissioner, the secretary or the assistant secretary under the official seal of the commission to be true copies of the originals, shall be evidence in like manner as the originals.

Orders.

(b) Every order, authorization or certificate issued or approved by the commission under any provision of sections 38, 39, 40, 41, 43, 50, 51 or 52 of this act shall be in writing and entered on the records of the commission. Any such order, authorization or certificate, or a copy thereof, or a copy of the record of any such order, authorization or certificate, certified by a commissioner, the secretary or the assistant secretary

under the official seal of the commission to be a true copy of the original order, authorization, certificate or entry, may be recorded in the office of the recorder of any county, or city and county, in which is located the principal place of business of any public utility affected thereby, or in which is situated any property of any such public utility, and such record shall impart notice of its provisions to all persons. A certificate under the seal of the commission that any such order, authorization or certificate has not been modified, stayed, suspended or revoked may also be recorded in the same offices in the same manner and with like effect.

Orders may be recorded.

SEC. 6. Section 57 of the public utilities act is hereby amended to read as follows:

Section 57. The commission shall charge and collect the following fees: for copies of papers and records not required to be certified or otherwise authenticated by the commission, ten cents for each folio; for certified copies of official documents and orders filed in its office, fifteen cents for each folio, and one dollar for every certificate under seal affixed thereto; for certifying a copy of any report made by a public utility, two dollars; for each certified copy of the annual report of the commission, one dollar and fifty cents; for certified copies of evidence and proceedings before the commission, fifteen cents for each folio; for certificate authorizing an issue of bonds, notes or other evidences of indebtedness, one dollar for each thousand dollars of the face value of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and twenty-five cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of twenty-five dollars; *provided*, that no fee need be paid on such portion of any such issue as may be used to guarantee, take over, refund, discharge or retire any bond, note or other evidence of indebtedness on which a fee has theretofore been paid to the commission; *and provided, further*, that if the commission modifies the amount of the issue requested in any case and the applicant thereupon elects not to avail itself of the commission's authorization, no fee need be paid. No fees shall be charged or collected for copies of papers, records or official documents, furnished to public officers for use in their official capacity, or for the annual reports of the commission in the ordinary course of distribution, but the commission may fix reasonable charges for publications issued under its authority. All fees charged and collected under this section shall be paid, at least once each week, accompanied by a detailed statement thereof, into the treasury of the state to the credit of a fund to be known as the "railroad commission fund," which fund is hereby created.

Fees.

No fees from public officers

SEC. 7. Section 59 of the public utilities act is hereby amended to read as follows:

Section 59. (a) Each public utility shall have an office in a county of this state in which its property or some portion

Office of public utility.

thereof is located and shall keep in said office all such books, accounts, papers and records as shall be required by the commission to be kept within this state. No books, accounts, papers or records required by the commission to be kept within this state shall be at any time removed from the state except upon such conditions as may be prescribed by the commission.

Production of books.

(b) The commission may require, by order served on any public utility in the manner provided herein for the service of orders, the production within this state at such time and place as it may designate, of any books, accounts, papers or records kept by said public utility in any office or place without this state, or, at its option, verified copies in lieu thereof, so that an examination thereof may be made by the commission or under its direction.

SEC. 8. Section 86 of the public utilities act is hereby amended to read as follows:

Moneys in fund appropriated.

Section 86. All moneys which are paid into the state treasury by the commission under the provisions of section 57 of this act, and credited to the railroad commission fund, are hereby appropriated, to be used by the commission in carrying out the provisions of this act, and the controller is hereby directed to draw his warrant on said fund from time to time in favor of the commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

SEC. 9. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 554.

An act to amend section seven hundred and eighteen of the Political Code of the State of California, relating to employees of the superintendent of the capitol building and grounds, prescribing their duties and fixing their salaries and appropriating money for the purpose of carrying out the provisions hereof not otherwise provided for by law.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section seven hundred and eighteen of the Political Code of the State of California is hereby amended so as to read as follows:

Appointees of the superintendent of capitol building and grounds.

Section 718. The superintendent of capitol building and grounds may appoint one head gardener at an annual salary of eighteen hundred dollars. He may appoint seven special policemen for the building and grounds at annual salaries of thirteen hundred and twenty dollars each, who shall have the power of peace officers, and the same power of arrest as is herein given to the superintendent. None of said policemen

shall be required to work more than six days in any one week. He may appoint one clerk for his office at an annual salary of eighteen hundred dollars, who shall be a civil executive officer; one head porter for the building at an annual salary of twelve hundred dollars. He may appoint one engincer at an annual salary of eighteen hundred dollars; one fireman at an annual salary of twelve hundred and sixty dollars; one electrician at an annual salary of eighteen hundred dollars; *provided, however,* that the superintendent is hereby empowered to employ an additional electrician for emergency purposes. The superintendent may also appoint two elevator attendants at an annual salary of ten hundred and eighty dollars each; two telephone exchange operators at an annual salary of seven hundred and twenty dollars each. He may appoint to serve from January first until May first in each legislative year one engincer at a monthly salary of one hundred and fifty dollars; one fireman at a monthly salary of one hundred and five dollars; one electrician at a monthly salary of one hundred and fifty dollars; two elevator attendants at a monthly salary of ninety dollars each; two telephone exchange operators at a monthly salary of sixty dollars each; ten porters at a monthly salary of ninety dollars each. He may also appoint one telephone exchange operator at a monthly salary of sixty dollars to serve two months each year while the legislature is not in session. The salaries of all such appointees shall be paid at the same time and in the same manner as other state officers.

SEC. 2. The sum of twenty-seven hundred and ninety dollars is hereby appropriated to be used to pay the compensation of the additional policeman and for the electrician herein provided for, the salaries of the other employees to be provided for by law. Appropriation.

CHAPTER 555.

An act to amend section 472 and section 475 of an act entitled "An act to establish a Political Code," approved March 12, 1872, relating to the duties of the attorney general, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the attorney general's office and fixing their salaries.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 472 of the Political Code is hereby amended so as to read as follows:

472. The attorney general may appoint one assistant, one chief deputy and six additional deputies, who shall be civil executive officers. The annual salary of the assistant shall be Appointees of attorney general.

four thousand dollars; the annual salary of the chief deputy shall be four thousand dollars; the annual salary of two of such additional deputies shall be thirty-three hundred dollars each, and the annual salary of four of such additional deputies shall be three thousand dollars each. Said salaries shall be paid at the same time and in the same manner as the salaries of other state officers. The attorney general shall not employ special counsel in any case except those provided in section four hundred and seventy-four of the Political Code. The attorney general shall have charge, as attorney, of all legal matters in which the state is in any wise interested, except the business of the regents of the University of California and of the state harbor commissioners, and such other boards or officers as are now by law authorized to employ attorneys, and no board, officer or officers, or employee of the state, except said regents and said harbor commissioners and such other boards and officers as are now by law authorized to employ attorneys, shall employ any attorney other than the attorney general, or one of his assistants or deputies, in any matter in which the state is interested; nor shall any money be drawn out of the treasury, or out of any moneys appropriated out of the treasury, or out of any special or contingent fund under the control of any board, officer or officers, or employee for the pay of any legal services rendered after the passage of this act, the provisions of any existing statute to the contrary notwithstanding, excepting as above provided; *provided*, that whenever a district attorney in any county of this state shall, for any reason, become disqualified from conducting any criminal prosecution within such county, the attorney general may employ special counsel to conduct such prosecution, and the attorney's fee in such case shall be a legal charge against the state; *provided, further*, that nothing herein contained shall be construed to prevent or deny the right of any board, officer, or officers or employee of the state to employ or engage counsel in any matter of the state, after first having obtained the written consent so to do of the attorney general.

SEC. 2. Section 475 of the Political Code is hereby amended so as to read as follows:

475. The attorney general may appoint two clerks, one phonographic reporter and five stenographers for his office. The annual salary of each of said clerks and of the phonographic reporter shall be eighteen hundred dollars; the annual salary of each of such stenographers shall be twelve hundred dollars. Said salaries shall be paid at the same time and in the same manner as the salaries of other state officers are paid. The clerk, the phonographic reporter and the stenographers shall be civil executive officers.

To have
charge of
state's
legal
matters

Clerks,
reporter
and
stenog-
raphers.

CHAPTER 556.

An act to repeal an act entitled "An act to authorize the establishment of the California state trades and training school for dependent orphans, half orphans, abandoned children and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor," approved April 14, 1909.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. An act entitled "An act to authorize the establishment of the California state trades and training school for dependent orphans, half orphans, abandoned children and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor," approved April 14, 1909, is hereby repealed. Repealed.

CHAPTER 557.

An act to amend section 2906 of the Political Code, relating to authority to any person or corporation to construct a wharf, chute or pier, and requiring the approval of the railroad commission therefor.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 2906 of the Political Code of the State of California is hereby amended to read as follows:

2906. The boards of supervisors of every county in this state may, upon approval of the railroad commission, grant authority to any person or corporation to construct a wharf, chute, or pier, on any lands bordering on any navigable bay, lake, inlet, creek, slough or arm of the sea, situate in or bounding their counties, respectively, with a license to take tolls for the use of the same for the term of twenty years. Super-
visors may
grant
authority
to
construct
wharf,
etc.

CHAPTER 558.

An act to amend section three thousand eight hundred and nineteen of the Political Code relating to payment of taxes under protest.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section three thousand eight hundred and nineteen of the Political Code is hereby amended to read as follows:

Payment
of taxes
under
protest.

3819. At any time after the assessment book has been received by the tax collector, and the taxes have become payable, the owner of any property assessed therein, who may claim that the assessment is void in whole or in part, may pay the same to the tax collector under protest, which protest shall be in writing, and shall specify whether the whole assessment is claimed to be void, or if a part only, what portion, and in either case the grounds upon which such claim is founded and when so paid under protest, the payment shall in no case be regarded as voluntary payment, and such owner may at any time within six months after such payment bring an action against the county, in the superior court, to recover back the tax so paid under protest; *provided, however,* that no recovery shall be had in any such action unless such action be brought by such owner or his guardian, or in case of his or her death, by his or her executor or administrator; *and provided, further,* that no recovery shall be had in such action if the same be brought by an assignee of such owner, or by anyone other than the persons last hereinabove designated. And if it shall be adjudged that the assessment, or the part thereof referred to in the protest, was void on the ground specified in the protest, judgment shall be entered against such county therefor; *provided,* that no assessment shall be declared void on account of deductions being made for mortgages where part payments have been made and not released upon the record. On the payment of any such judgment, such part of the tax recovered thereby as may have been paid by the county treasurer into the state treasury, shall be regarded as an amount due the county from the state, and shall be deducted in the next settlement had by the county with the controller; such deductions to be made in the manner that other deductions are made, as provided in section three thousand eight hundred and seventy-one of this code.

Action
within
six
months.

Amount
due
the
county
from
state.

CHAPTER 559.

An act to amend an act entitled "An act to create a state board of accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant, and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, by adding thereto a new section to be numbered section three a, relative to the issuance of a certificate permitting any person who holds a valid and unrevoked certificate as a certified public accountant issued under the authority of any other state or territory of the United States, or any foreign nation, to practice as a certified public accountant in the State of California.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. An act entitled "An act to create a state board of accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, is hereby amended by adding a new section thereto, to be numbered *three a* and to read as follows:

Section 3a. Any citizen of the United States, or any person who has declared his intention of becoming such citizen, being over the age of twenty-one years and of good moral character, who has complied with the rules and regulations of the board appertaining to such cases, and who holds a valid and unrevoked certificate as a certified public accountant, or the equivalent thereof, issued by or under the authority of any other state of the United States, or the District of Columbia, or any territory of the United States, or by or under the authority of a foreign nation, when the board shall be satisfied that their standards and requirements for a certificate as a certified public accountant are substantially equivalent to those established by the act of which this act is an amendment, may at the discretion of the board receive a certificate as a certified public accountant, and such person may thereafter practice as a certified public accountant and assume and use the name, title, and style of "certified public accountant" or any abbreviation or abbreviations thereof, in the State of California; *provided, however*, that such other state, territory, or nation, extends similar privileges to certified public accountants of the State of California.

Certified accountants from other states permitted to practice.

CHAPTER 560.

An act consolidating Reclamation District No. 742 and Reclamation District No. 900, and providing for their liquidation and payment of all outstanding indebtedness.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Reclamation Districts Nos. 742 and 900 consolidated.

SECTION 1. Reclamation District No. 742 and Reclamation District No. 900 are hereby consolidated under the designation of Reclamation District No. 900; *provided, however*, that the trustees of the respective districts shall have the power and are directed to proceed to liquidate the affairs of each of said districts and to collect upon the assessments now existing against lands of said districts a sufficient amount to pay and discharge all outstanding indebtedness of said districts thereon. All existing laws are continued in force for the purpose of consummating said liquidation and collection of assessments therefor and the payment of outstanding indebtedness. Each of said districts shall respectively pay all of its existing indebtedness including any bonds that may have been heretofore issued.

CHAPTER 561.

An act to confer upon the industrial accident commission all of the duties, liabilities, authority, powers and privileges conferred and imposed by law upon the industrial accident board, abolishing the industrial accident board and providing for a transfer of its funds to the credit of the industrial accident commission.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Certificate of industrial accident commission.

SECTION 1. Upon the organization of the industrial accident commission, the commission shall file in the office of the secretary of state its certificate setting forth that the commission has been organized as provided by law.

To succeed industrial accident board

SEC. 2. Upon the filing of the certificate required by section one hereof, the industrial accident commission shall supersede the industrial accident board and all duties, liabilities, authority, powers, and privileges conferred and imposed by law upon the industrial accident board shall thereupon devolve upon the industrial accident commission and shall thereafter be exercised and performed by the industrial accident commission in the same manner and with the same force and effect as if exercised and performed by the industrial accident board, and the said industrial accident board shall thereupon cease to exist.

SEC. 3. Upon the filing of the certificate required by section one hereof, all unexpended balances of moneys appropriated by law for the support, maintenance or use of the industrial accident board shall be placed to the credit of the industrial accident commission by the state controller and the controller is hereby authorized to draw his warrant from time to time in favor of the industrial accident commission for the amount of such unexpended balance expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

Unexpended
balances.

CHAPTER 562.

An act to add a new section to the Penal Code of the State of California, to be numbered section six hundred and twenty-six q, relating to sea otter.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered six hundred and twenty-six q and to read as follows:

626q. Every person who at any time hunts, pursues, takes, kills, destroys, or has in his possession any sea otter is punishable by fine not exceeding one thousand dollars or imprisonment in the county jail not exceeding one year or both.

Penalty
for killing
sea otter.

CHAPTER 563.

An act to provide for the purchase of certain California state text-books now in the hands of the dealers and providing for the proper distribution of such books.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. The superintendent of public instruction is hereby authorized and empowered to purchase unsold state text-books now in the hands of the dealers on the passage of this act at prices not exceeding those heretofore fixed by the state board of education according to law. Only books now under contract and those on the list of state text-books by the state may be so purchased, and they may be so purchased when delivered free at such point and to such agent as may be designated by the superintendent of public instruction. The claim for such text-books shall be presented on blanks furnished by the superintendent of public instruction by the dealer in itemized form. Such claim must be signed by the dealer and by the agent of the superintendent of public instruction to whom such dealer delivered the books. On being properly made out and

Superintendent of
public
instruction
author-
ized to
purchase
text-books
in hands
of dealers.

signed it shall be forwarded to the superintendent of public instruction, who if he approve it shall forward it with his approval to the state board of control. On the approval of the state board of control the claim shall be transmitted to the controller, who shall draw his warrant against the state school book fund in the name of such dealer. The state treasurer is hereby directed to pay such claim.

CHAPTER 564.

An act to prevent the destruction of wild game within certain territory lying within the boundaries of the Cleveland national forest, in the State of California, and providing a penalty therefor.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Penalty
for hunt-
ing in
Cleveland
national
forest.

SECTION 1. Every person who shall hunt, pursue, kill or destroy any wild game of any kind within that certain territory embraced in the Cleveland national forest, more particularly described as follows, to wit: "The east one half of township five south, range seven west; all of township seven; all of township five south, range six west, except sections one, two, three, four, ten, eleven and twelve; all of township six south, range five west; all in San Bernardino base and meridian, in the State of California," is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred, nor more than five hundred dollars, or by imprisonment in the county jail of the county in which the conviction shall be had, not less than fifty days nor more than two hundred days, or by both such fine and imprisonment.

Not appli-
cable to
lions, etc.

SEC. 2. The provisions of this act shall not apply to the hunting, pursuing, killing or destroying of California lions, wildcats or coyotes under a permit therefor issued by the fish and game commission of California.

CHAPTER 565.

An act to amend section six hundred thirty-six of the Penal Code, relating to unlawful nets and lines.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Use of
Chinese
shrimp
nets, etc.,
prohibited.

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

636. Every person who shall cast, extend, use, or continue, or who shall assist in casting, extending, using, or continuing,

any "Chinese shrimp or bag-net," or a net of similar character, for the catching of fish, shellfish, shrimp, or crabs, in the waters of this state; every person who shall cast, extend, set, use, or continue, or have in his possession, or who shall assist in casting, extending, or using "Chinese sturgeon lines," set-lines, or lines of a similar character; every person who shall set, use, or continue, or shall assist in setting, using, or continuing, any pound, weir, set-net, set-line, trap, "Chinese shrimp or bag-net," or any other fixed or permanent contrivance for catching fish, shellfish, shrimp, or crabs, in the waters of this state. shall be guilty of a misdemeanor; *provided*, that it shall be lawful to use fyke nets, without wings, for the purpose of catching catfish in the San Joaquin river and tributaries between the mouth of said river and the south boundary of San Joaquin county, between the first day of August and the first day of June of the year following; *and provided*, that it shall be lawful to use two-mesh or three-mesh or trammel nets, the meshes of which, when drawn closely together and measured inside the knots, shall measure nine inches or more in length, in the waters of the Pacific ocean, outside of one mile from the shore line thereof; *and provided, further*, that it shall be lawful to use two-mesh or three-mesh or trammel nets, the meshes of which when drawn closely together and measured inside the knots, shall measure seven and one half inches or more in length, in the waters of Monterey bay, outside of one mile from the shore line thereof, and outside of existing fish and animal reservations and outside of an imaginary line in said bay, drawn from the outer end of the Moss Landing wharf just south of the mouth of Elkhorn slough, northerly and westerly to Point Santa Cruz; *and provided, further*, that no person shall cast, extend or use any two-mesh or three-mesh or trammel net and permit such net to remain in a fixed or set condition for a period of time of more than six hours from the time of casting, extending or setting such net, without taking up such net and removing any fish that may have been taken therein.

Fyke
nets, etc.;
permitted.

For the purposes and in the meaning of this section, every net shall be considered a set-net that is secured in any way and is not free to drift with the current or tide.

Set-nets.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, or by imprisonment in the county jail in the county in which conviction shall be had, not less than fifty days, or by both such fine and imprisonment; and all fines or forfeitures imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

Penalty.

CHAPTER 566.

An act to provide for the establishment and change of grade of public streets, lands, alleys, courts, places and rights of ways in municipalities, and providing for the improvement thereof, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvement, and for the payment and effect of such bonds.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Cities
may
improve
streets.

SECTION 1. Whenever the public interest or convenience may require, the legislative body of any city is hereby empowered to establish or change or modify the grade of any public street, lane, alley, court, place, or right of way in said city, or any portion thereof, and in any case where in the opinion of said legislative body any damage to private property would result from the improvement thereof, to order the whole, or any part, either in length or width, of such public street, lane, alley, court, place, or right of way to be improved to conform to such official grade by grading or regrading, paving or repaving, planking or replanking, macadamizing or remacadamizing, piling or repiling, capping or recapping, graveling or regravelling, oiling or reoiling, sewerage or re-sewerage, sidewalking or residewalking, curbing or recurbing, guttering or reguttering, or by the building of storm water ditches or tunnels or breakwaters, levees, walls of rock, or of other materials, to protect the same from overflow or injury, or by the construction of manholes, culverts, bridges, cesspools, tunnels, viaducts, conduits, subways, cross-walks, steps, parking or park ways, and the construction or reconstruction in, over or through property or rights of way owned by such city of retaining walls, tunnels, sewers, ditches, drains, conduits, viaducts, subways, and channels for sanitary and drainage purposes, or either, or both thereof, with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances and breakwaters, levees, bulkheads and walls of rock, or other material, to protect the streets, lanes, alleys, courts, places, public ways, and other property in any such city from overflow or injury by water, or otherwise, or by the doing of any other work which shall be necessary to improve the whole, or any portion of such streets, lanes, alleys, courts, places, or rights of way of such city.

Resolu-
tion of
intention.

SEC. 2. Before ordering any establishment, change or modification of grade or any improvement described in section one hereof, the said legislative body shall pass an ordinance

or resolution, declaring its intention so to do, and that, in its opinion, damage to private property would result from such improvement, designating the proposed grade, describing the proposed improvement, fixing a time and place for the hearing of protests in relation thereto by said legislative body, which shall be not less than thirty days from the date of the passage of said ordinance or resolution of intention, and specifying the exterior boundaries of the district of land to be benefited by said improvement, and to be specially assessed to pay the costs and expenses thereof, and the damages caused by said improvement, which shall be known as the assessment district. Such legislative body may include in one improvement, under one ordinance or resolution of intention and order and under one contract, the whole, or any portion of one or more streets, lanes, alleys, courts, places, or rights of way, and the establishment, change or modification of grade of all, or any, or any portion thereof and any and all of the different kinds of work mentioned in section one hereof, and may exclude therefrom any of said work already done, either to the official grade or in any other designated manner.

Boundaries of district.

SEC. 3. Said ordinance or resolution of intention shall be conspicuously posted for two days on or near the chamber door of said legislative body and published by two insertions in a daily or weekly newspaper published and circulated in said city, and designated by said legislative body for the purpose. If no such newspaper be so published and circulated in said city, such posting of said ordinance or resolution of intention shall be sufficient. The superintendent of streets shall thereupon cause to be conspicuously posted along all streets and parts of streets or other public places or rights of way where any work is to be done or improvement made, at not more than three hundred feet apart, notices (not less than three in all) of the passage of such ordinance or resolution. Said notices shall be headed "Notice of street work" in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said ordinance or resolution of intention, and the time and place fixed for the hearing of protests, and notify all persons interested to appear at said time and place with their objections to said improvement, if any they have, and briefly describe the proposed improvement, and refer to the ordinance or resolution of intention for further particulars. He shall also cause a notice of similar substance to be published by two insertions in a daily newspaper published and circulated in said city, or, if there is no such daily newspaper, then by two successive insertions in a weekly newspaper so published and circulated. If no such newspaper be so published and circulated in said city such notice shall be also posted on or near the chamber door of the legislative body of said city, and in two other public places in said city. Such posting and publication shall be completed at least ten days before the day set for the hearing of protests. The city clerk shall immediately upon the passage

Resolution posted and published.

"Notice of street work."

Resolution mailed to owners.

of said ordinance or resolution of intention mail, postage prepaid, to each property owner in the district to be assessed to pay the costs and expenses of the improvement, at his last known address as the same appears on the tax rolls of said city, or where no address so appears, to the general delivery, a postal card containing a notice which shall be in the following or substantially the following form (filling blanks) :

Form of notice.

You are hereby notified that on the ----- day of -----, 19 ---, the legislative body of the city of -----, California, by virtue of the street improvement act of 1913. passed an ordinance, resolution of intention numbered -----, for the improvement of ----- street between ----- street and ----- street. Protests will be heard on the ----- day of -----, 19---, at the hour of ----- in the council chamber of said city.

Your property is in the district to be assessed for this improvement. -----

City Clerk.

If any lots or parcels of land in the assessment district be assessed to "unknown owners" on the tax rolls of said city, no such postal cards need be mailed to the owners thereof.

Clerk's affidavit of mailing notices.

The city clerk shall immediately upon the completion of the mailing of said cards file in the office of the superintendent of streets an affidavit setting forth the time and manner of his compliance with this requirement; *provided*, that the failure of the city clerk to address said cards or any of them to the true owners of said property, or to mail said cards, or the failure of the property owners to receive the same, shall in no wise affect the validity of the proceedings or prevent the legislative body from acquiring jurisdiction to order the work; *provided, however*, that the legislative body shall not pass any ordinance or resolution ordering the work until such affidavit is made and filed as herein prescribed.

Objections to improvements.

SEC. 4. At or before the time fixed for the hearing, any person interested, objecting to the proposed improvement or to the extent of the assessment district described in the ordinance or resolution of intention, may file a written protest with the clerk of said legislative body. Every protest must contain a description of the property in which each signer thereof is interested and set forth the nature of his interest therein and must be accompanied by the affidavit of one of the signers thereof that each signature thereto is the genuine signature of the person whose name is thereto subscribed, and in case any signature is made by an agent, there must be attached to the protest the affidavit of the agent that he is duly authorized to sign such protest. Any protest not complying with the foregoing requirements shall not be considered by said legislative body. The clerk shall endorse on every such protest the date of its reception by him, and at the time fixed for the hearing, or at any other time to which the hearing may be adjourned, he shall present to said legislative body all protests so filed with him. Before the hearing of any pro-

test there shall be filed with such legislative body affidavits showing that the said notices have been posted and published as hereinbefore required, and the said legislative body shall thereupon cause to be entered in its minutes an order reciting that notice of said hearing has been posted and published as required by law, and such order shall be prima facie evidence of the truth of the facts therein recited. The legislative body shall hear said protests at said meeting, or at any time to which the hearing thereof may be continued, and pass upon the same, and its decision shall be final and conclusive. If such protests are sustained, no further proceedings shall be had under said ordinance or resolution of intention, but a new ordinance or resolution of intention for the same improvement may be passed at any time. If such protests are denied, the proceedings shall continue as if such protests had not been made.

Hearing
of
protests.

SEC. 5. If no protests are filed at or before the time fixed for the hearing thereof by the ordinance or resolution of intention, or if protests are filed, and after hearing are denied, as above provided, the legislative body shall have jurisdiction to order the establishment, change or modification of grade and the improvement described in the ordinance or resolution of intention. Having acquired such jurisdiction, it shall by ordinance or resolution order establishment, change or modification of grade and such improvement to be made, and refer the same to the commission hereinafter provided for, to estimate the damages caused thereby, and report an assessment of said damages, and of all costs and expenses of the improvement, on the property benefited thereby.

Jurisdiction
to
order
improvements.

SEC. 6. In any city having a board of public works created by its charter or by law, such board, and in other cities the mayor, city engineer or surveyor and superintendent of streets, or if all of such officers last mentioned do not exist in cities having no board of public works, any three competent and disinterested persons appointed by said legislative body, shall act as a commission to estimate the damages caused by said proposed improvement and to assess the same, and all costs and expenses of said proposed improvement upon the property benefited thereby. Such commissioners, if they are appointed by said legislative body as aforesaid, shall be sworn to make the assessment of benefits and damages faithfully, impartially and to the best of their ability. Said commission shall have power to subpoena witnesses to appear before it to be examined under oath, which any of said commissioners may administer.

Commission
to
estimate
damages.

SEC. 7. Upon the passage of the final ordinance or resolution referred to in section five hereof, said commission shall appoint a time and place for the hearing of petitions for damages caused by said improvement, and shall cause notice of such time and place to be published for at least five days in a daily newspaper, or three times in a weekly newspaper, published in said city, or if no such newspaper is so published and

Hearing
of
petitions
for
damages.

circulated, then by posting for two days in three public places in said city. The time set for hearing such petitions shall be not less than thirty days from the first publication or posting of such notice. Before said hearing said commission shall view the location of the proposed improvement, and the property affected thereby. Said hearing may be continued from time to time by said commission.

Petition
of owners
damaged

SEC. 8. At or before the time set for the hearing of petitions for damages any person owning property, and claiming that the same will be damaged by said proposed improvement, shall file with the superintendent of streets, who shall transmit the same to the commission, a petition showing the fact of such ownership, a description of the property claimed to be damaged, its market value, and the amount of damages which it is claimed such property will sustain by the proposed improvement, and the post-office address of such petitioner, or his agent. Every such petition shall be verified by the oath of the petitioner or his agent. After considering the petitions filed as herein provided, and after hearing the petitioners who may appear, and after viewing the location of the proposed improvement and the property affected thereby, said commission shall proceed to determine the amount of damages, if any, which will be sustained by each such petitioner because of the proposed improvement. No damages or compensation whatsoever shall be allowed or awarded to the owner of any property affected by said improvement unless a petition therefor be filed as provided in this section, and any property owner who fails to file a petition for damages as hereinbefore provided, shall be deemed to have waived any and all claims for damages caused by said improvement.

Determina-
tion of
damages

Notice
before
awarding
contracts

SEC. 9. Before the awarding of any contract by the legislative body for doing any work authorized by this act, said legislative body shall cause notice, with specifications, to be posted conspicuously for five days on or near the chamber door of said legislative body, inviting sealed proposals or bids for doing the work ordered, and shall also cause notice of said work inviting said proposal, and referring to the specifications posted or on file, to be published for two days in a daily, or weekly newspaper published and circulated in said city, designated by said legislative body for that purpose, and in case there is no newspaper published in said city, then it shall only be posted as hereinbefore provided. Every bid shall be delivered to the clerk of the legislative body and shall be accompanied by a check certified by a responsible bank, amounting to ten per cent of the amount of the bid, payable to the order of the said clerk, or by a bond for the said amount, and so payable, signed by the bidder and by two sureties who shall justify before any officer competent to administer an oath, in double the said amount, and over and above all statutory exemptions, and said amount shall be forfeited to the city in case the bidder depositing the same does not, within ten days after written notice that the contract has been awarded to him,

Bids.

enter into a contract with the city to do the work, with the bonds hereinafter required. Said bids shall be opened by the legislative body in public session and publicly declared, and no bid shall be considered unless accompanied by said bond or said certified check. The legislative body must let the contract to the lowest responsible bidder, who shall give bond for the faithful performance of the work in such sum as may be required by it, with sureties satisfactory to said legislative body; *provided, however,* that the legislative body may reject any and all bids, should it deem this for the public good, and also the bid of any person who has been delinquent or unfaithful in the performance of any former contract with the city, or of any other contract let by or under the authority thereof. The contract must provide that the work shall be done under the supervision of the superintendent of streets, and no work shall be paid for until it has been accepted by the legislative body. Whenever the contractor desires the work, or part thereof, to be accepted, he must make written application to that effect to the legislative body. Upon the filing of such application for acceptance, the clerk of the legislative body shall give not less than five days' notice by publication by two insertions in a daily or weekly newspaper, published and circulated in the city, or by posting for two days in three public places in the city, in case no such newspaper is published and circulated therein, that at a certain time and place, to be named in said notice, the legislative body of the city will hear and consider any objections to the acceptance of the work, or part of the work, for the acceptance of which said contractor has made such application, and only after such hearing shall any work be accepted. If upon such hearing any objections to the acceptance are made, and are sustained by the legislative body, the legislative body must require the contractor to take such steps as will remove such objections; and in the event of his failure to do so, within such time as the legislative body shall prescribe, the legislative body may relet such portion of the work, and charge the contractor the cost thereof, together with all expenses incident to said reletting, and retain the same out of any moneys due, or to become due, to him under the contract, and also hold him and his sureties responsible therefor upon his bond. The contract shall provide that the work must be commenced within twenty days after the contractor receives written notice from the superintendent of streets that there is sufficient money or bonds, or money and bonds in the special fund devoted to the proposed improvement to pay the contract price, and completed within such time as the superintendent of streets shall prescribe. If the contractor abandons the work or fails to proceed with the same as rapidly as required by his contract, the legislative body may relet the contract, or any portion thereof, and pay the cost of the same, and also any expenses incident to the reletting, out of any funds due, or to become due the contractor, and also hold him and his sureties responsible upon his bond for such costs and expenses, and also

Bids opened

May reject bids

Application for acceptance of work

Work commenced

If contractor abandons work

Contractor's
bond.

any damages resulting from such abandonment. At the time of executing said contract the contractor shall file with the superintendent of streets a good and sufficient bond, approved by the superintendent of streets, in a sum not less than one half the total amount payable by the terms of said contract. Such bond shall be executed by the principal and at least two sureties who shall qualify for double the sum specified in said bond, and shall be made to inure to the benefit of any and all persons, companies, or corporations who performed labor on or furnished materials to be used in the said work or improvement, and shall provide that if the contractor to whom said contract was awarded fails to pay for any material so furnished for the said work, or for any work or labor done thereon of any kind that the sureties will pay the same to an amount not exceeding the sum specified in said bond. Any materialman, person, company or corporation furnishing materials to be used in the performance of said work specified in said contract or who performed work or labor upon the said improvement, whose claim has not been paid by the said contractor to whom the said contract was awarded, may, within thirty days from the time said improvement is finally accepted, file with the superintendent of streets a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. At any time within ninety days after the filing of such claim the person, company or corporation filing the same, or their assigns, may commence an action on said bond for the recovery of the amount due on said claim, together with the costs incurred in said action and a reasonable attorney fee to be fixed by the court for the prosecution thereof. Upon the signing of the contract for the doing of the work the clerk of the legislative body, if there be no board of public works in said city, shall certify to such commission the amount of the contract price.

Material-
men's
claims.

Assess-
ment for
incidental
expenses.

SEC. 10. The commission shall, as soon as practicable, after determining what damages will be caused by said improvement, and, after the signing of the contract for the work, assess the total amount of all the incidental expenses of such improvement, which shall include the necessary expenses and disbursements of the commission, the cost of making the assessment, and all expenses necessarily incurred by the city in connection with the proposed improvement for maps, diagrams, plans, surveys and other matters incident thereto, upon the respective lots or parcels of land in the assessment district described in the ordinance or resolution of intention, in proportion to the benefits to be received by such lots or parcels of land, respectively, from the said improvement, and shall make and file with the clerk of the legislative body a report in writing containing the following:

Report.

Lots
damaged.

1. A schedule describing the lots or parcels of land belonging to each petitioner for damages and which will be damaged by said proposed improvement, stating the amount of damage to each lot or parcel as determined by the commission, and

the name of the owner of each such lot or parcel of land so damaged.

2. A diagram showing the assessment district, and also the boundaries and dimensions of the respective lots or parcels of land within said district, and each of such lots or parcels of land shall be given a separate number in red ink upon said diagram. Diagram of district.

3. A proposed assessment of the total amount of damages that will be caused by said improvement, as determined by the commission, the total amount of the contract price for the work and the total amount of the incidental expenses thereof as above specified, upon the respective lots or parcels of land in said district in proportion to the benefits to be received by such lots or parcels of land, respectively, from said improvement. Said assessment shall refer to such lots or parcels of land upon said diagram by the red ink numbers thereof, and need contain no other description thereof, and shall show the names of the owners, if known, otherwise designating them as unknown; but no mistake in the name of the owner of any lot or parcel of land shall affect the validity of the assessment thereon. Proposed assessment.

In case the commissioners do not all agree, a majority of the whole number may make such report.

SEC. 11. Upon the filing of the report provided for in section ten hereof, the clerk of the legislative body shall present such report to the legislative body, which shall fix a day for the hearing thereof by said legislative body, which day shall not be less than twenty days from the date of filing such report, and shall cause a notice of such hearing to be published by the clerk thereof, by three insertions in a daily newspaper published and circulated in said city, or if there be no daily newspaper in said city, then by two successive insertions in a weekly newspaper so published and circulated; or if no newspaper is so published and circulated, then by posting for two days in three public places in said city. Such publication shall be completed at least ten days before the date fixed for the hearing. Said notice shall state the fact that such report has been filed, and the date set for the hearing thereof, and require all persons interested to file with the clerk their objections, if any they have, to the confirmation of said report at or before the time fixed for the hearing. Hearing on report.

SEC. 12. Any objection to said report shall be in writing signed by the objector, or his agent, and shall comply with the requirements of section four hereof for the form and substance of protests, and shall be filed with the clerk of the legislative body at or before the time fixed for the hearing. At the time fixed, or at any other time to which the hearing may be continued, the legislative body shall hear said report and any objections thereto, and any person interested may appear and be heard upon said report and objections. After such hearing the legislative body shall pass upon the report, and may confirm, modify, or correct the same, or may confirm the report. Objections to report. Decision on report.

as modified or corrected, or order the commission to make and file a new report which shall be heard in like manner as the first report and after like notice of hearing. If no objections are filed, or if the objections filed are not sustained, the legislative body shall confirm the report. The action of the legislative body upon said report shall be declared by resolution entered upon its minutes, and shall be final and conclusive, except as to the damages to be caused by the proposed improvement; and when such report is confirmed, or is confirmed as modified or corrected, the clerk of the legislative body shall transmit the diagram and assessment provided for in section ten hercof, as finally confirmed, to the superintendent of streets. The superintendent of streets shall thereupon record such assessment and diagram in his office, in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such record shall be the assessment roll. From the date of such recording all persons shall be deemed to have notice of the contents of such assessment roll. Immediately upon such recording the several assessments contained in such assessment roll shall become due and payable, and each of such assessments shall be a lien upon the property against which it is made, paramount to all other liens, except liens for state, county and municipal taxes; and such liens shall only be discharged by payment of the assessment or by redemption of the land after sale for delinquency. The superintendent of streets shall, upon the recording of said assessment, give notice by publication for five days in a daily newspaper published and circulated in said city, or by two insertions in a weekly newspaper so published and circulated; or in case no such daily or weekly newspaper is so published and circulated in said city, then by posting such notice for four days in three public places in said city, that said assessment has been recorded in his office and that all sums assessed therein are due and payable immediately, and that payment of the said sums must be made to him within thirty days after the date of the first publication or posting, which date shall be stated in the notice. Said notice shall also contain a statement that all assessments not paid before the expiration of the said thirty days shall become delinquent, and that thereupon five per cent upon the amount of each such assessment will be added thereto. When payment of any assessment is made the superintendent of streets shall mark opposite such assessment the word "paid," the date of payment, and the name of the person by or for whom the same is paid, and shall give a receipt therefor. Upon the expiration of said period of thirty days, all assessments then unpaid shall become delinquent, and the superintendent of streets shall mark each such assessment "delinquent" on said assessment roll, and add five per cent to the amount thereof.

Recording of assessment and diagram.

When assessments become delinquent.

Publication of delinquent list.

SEC. 13. The superintendent of streets shall within thirty days from the date of such delinquency begin the publication of a list of the delinquent assessments, which list must contain

a description of each lot or parcel of land delinquent, and opposite each description the name of the owner as stated in the assessment roll, and the amount of the assessment and costs due, including the cost of advertisement, which cost of advertisement shall not exceed the sum of fifty cents for each parcel of land separately assessed. He shall append to and publish with said delinquent list a notice that unless each assessment delinquent, together with the penalty and costs thereon, is paid, the property upon which such assessment is a lien will be sold at public auction at a time and place to be specified in the notice. Such publication must be made by five insertions in some daily newspaper published and circulated in the city, or by two insertions in a weekly newspaper so published and circulated, or, in case no such newspaper is so published and circulated in said city, such list of delinquent assessments and notice shall be posted in three public places in said city for five days. The time of sale must not be less than five days nor more than ten days after the last publication of said list, or after the completion of such posting, as the case may be, and the place of sale must be in or in front of the office of the superintendent of streets. At any time after such delinquency and prior to the sale of any piece of property assessed and delinquent, any person may pay the assessment on such piece of property, together with the penalties and costs due thereon, including the cost of advertising, if such payment is made after the first publication of the list of delinquent assessments.

Sec. 14. At the time and place fixed for the sale the superintendent of streets must commence the sale of the property advertised, commencing at the head of the list, and continuing in numerical order of lots or parcels of land until all are sold; *provided*, that he may postpone or continue the sale from day to day until all the property is sold. Each lot or parcel of land separately assessed must be offered for sale separately, and the person who will take the least quantity of land and then and there pay the amount of the assessment, penalty and costs due, including fifty cents to the superintendent of streets for a certificate of sale, shall become the purchaser. In case there is no other purchaser for any lot or parcel of land offered for sale, the same shall be struck off to the city as purchaser.

Sec. 15. After making the sale the superintendent of streets must execute in duplicate a certificate of sale setting forth a description of the property sold, the name of the owner thereof as given in the assessment roll, that said property was sold for a delinquent assessment (specifying the improvement for which the same was made), the amount for which such property was sold, the date of sale, the name of the purchaser, and the time when the purchaser will be entitled to a deed. The superintendent of streets must file one copy of such certificate in his office, and deliver the other to the purchaser, or if the city is the purchaser, to the clerk of the legislative body, who shall file the same in his office. Upon the filing of the

Sale of
property.

Certificate
of sale.

Lien
vest^d in
purchaser.

copy of such certificate in the office of the superintendent of streets, the lien of the assessment shall vest in the purchaser and is only divested by a redemption of the property as in this act provided. The superintendent of streets shall also enter upon the assessment roll opposite the description of each piece of property offered for sale, the description of the portion thereof sold, the amount for which the same was sold, the date of the sale, and the name of the purchaser.

Redem-
tion of
property
sold.

SEC. 16. At any time before the expiration of one year from the date of the sale, any lot or parcel of land sold for a delinquent assessment may be redeemed by any party in interest by the payment to the superintendent of streets of the amount for which the property was sold, and in addition thereto, ten per cent thereon if paid within six months from the date of sale; and twenty-five per cent if paid within twelve months. When redemption is made the superintendent of streets shall note that fact and the date thereof on the duplicate certificate of sale on file in his office, and deposit the amount paid with the city treasurer, who shall credit the purchaser named in the certificate of sale with the said amount and pay the same to such purchaser, or to his assigns, upon the surrender of the certificate of sale and upon satisfactory proof of assignment thereof, if any. When the city is the purchaser, the superintendent of streets shall notify the clerk of the legislative body of the redemption, and such clerk shall thereupon cancel the certificate of sale thereof on file in his office.

Deed
after
twelve
months.

SEC. 17. At any time after the expiration of twelve months from the date of sale the superintendent of streets must execute to the purchaser, or to his assignee on his application, if such purchaser or assignee has complied with the provisions of this section, a deed of the property sold, in which shall be recited substantially the matters contained in the certificate, also any assignment thereof, and the fact that no person has redeemed the property. The superintendent of streets shall receive from the applicant for a deed, one dollar for making such deed, unless the city is the purchaser, in which case no charge shall be made therefor. The purchaser or his assignee, must at least thirty days before he applies for a deed, serve upon the owner of the property, and upon the occupant of such property, if the same is occupied, a written notice, setting forth a description of the property, that said property has been sold for a delinquent assessment (specifying the improvement for which the same was made), the amount for which it was sold, the amount necessary to redeem at the time of giving notice, and the time when such purchaser or assignee will apply to the superintendent of streets for a deed. If the said owner cannot be found, after due diligence, said notice must be posted in a conspicuous place upon said property at least thirty days before the time stated therein, at which the application for a deed will be made. The person applying for a deed must file with the superintendent of streets an affidavit or affidavits, showing that notice of such application has been given, as

Notice
served
on owner.

herein required, and if the notice was not served on the owner of the property personally, that due diligence was used to find said owner; which affidavit or affidavits must be filed by the superintendent of streets in his office. If redemption of the property is made after such affidavits are filed, and more than eleven months from the date of sale, the person making such redemption must pay, in addition to the other amounts required, three dollars for the service of notice and the making of such affidavits, which amount shall be paid over to the purchaser, or his assignee, in the same manner as other sums paid for redemption. No deed for any property sold for delinquent assessment shall be made until the purchaser, or his assignee, has complied with all of the provisions of this section, and filed the proper affidavits with the superintendent of streets. Such deed shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the execution thereof, and of title in the grantee.

Provisions to be complied with.

SEC. 18. The funds collected by the superintendent of streets under the proceedings herein provided for, either upon voluntary payment or as the result of sales, shall be paid by said superintendent of streets as fast as collected to the treasurer of said city, who shall place the same in a special fund designated by the number or name of the proceedings, and payment shall be made out of said special fund only for the purposes provided for in this act. To expedite the making of any such improvement the legislative body may at any time transfer into said special fund out of any money in the general fund such sums as it may deem necessary, and the sums so transferred shall be deemed a loan to such special fund, and shall be repaid out of the proceeds of the assessments provided for in this act; *provided, however,* that the legislative body of any municipality may, in its discretion, order by resolution entered upon its minutes that the whole, or any part, of the costs and expenses of any of the work mentioned in this act shall be paid out of the treasury of the municipality from such fund as the legislative body may designate, and whenever a part of such cost and expenses is so ordered to be paid the commission in making up the assessment heretofore provided for such cost and expenses shall first deduct from the whole cost and expenses such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said costs and expenses proportionately upon the lots, part of lots and lands within the district to be assessed for such work, and in the manner heretofore provided.

Special fund.

Loan to special fund.

SEC. 19. Whenever any lot, piece or parcel of land belonging to the United States or to the State of California, or to any county, city, public agent, mandatory of the government, school board, public educational, penal, or reform institution, or institution for the feeble-minded or the insane, and being in use in the performance of any public function, is included within the district declared by the legislative body in the resolution of intention to be the district to be assessed to pay

Lots owned by U. S., etc., may be omitted from assessment.

the costs and expenses of the improvement, the legislative body may, in its discretion, in the resolution of intention declare that such lots, pieces, or parcels of land so owned and in use, or any of them, shall be omitted from the assessment to be made to cover the costs and expenses of said work or improvement. In the event that said lots, pieces, or parcels of land, or any of them, shall by said resolution be omitted from the assessment, then the total expense of all work done shall be assessed on the remaining lots lying within the limits of the assessment district without regard to such omitted lots, pieces or parcels of land. In the event the legislative body shall in its resolution of intention declare that the said lots, pieces or parcels of land so owned and in use, or any of them, shall be included in the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, then such sum or sums as thereafter may be assessed against such lots, pieces or parcels of land so owned and used shall be payable by the city, out of its general fund, unless the legislative body shall in its resolution of intention designate another fund, and the contract for said work or improvement thereafter made shall contain a provision to that effect. After all sales provided for in section fourteen of this act have been made the superintendent of streets shall report to the city treasurer the amount collected.

Lots
may be
assessed.

When
awards of
damages
are
payable.

SEC. 20. When sufficient money is in the hands of the city treasurer in the special fund devoted to the proposed improvement to pay the total amount of estimated damages therefrom, all expenses of the proceedings and the cost of doing the work, it shall be the duty of the superintendent of streets to notify the contractor for the work of that fact, and to draw demands on said special fund for the respective amounts of damages awarded by the report, and to notify the owner of each parcel of land declared by the report to be damaged, if the name of such owner is stated in the report, that the awards of damages are payable, and that he may receive the sum awarded to him on executing a release to the city of all liability for damages caused by said improvement. Such notification may be given by depositing a notice, postage prepaid, in the post office addressed to such person at his last known place of residence.

Refusal
to accept
award.

SEC. 21. If any owner of property that will be damaged by the proposed improvement shall fail or refuse to accept the amount awarded to him by the report provided for in section 10 hereof, the legislative body may cause proceedings to be brought against him in the name of the city, in the proper superior court, to have the amount of damage to such property determined. Such proceedings shall conform, as nearly as may be, to the provisions of the Code of Civil Procedure, regarding eminent domain; *provided, however*, that the plaintiff shall not be required to pay the amount of damages awarded within thirty days after judgment. In such proceeding the ordinance ordering the improvement shall be conclusive

evidence of the necessity of the same. If no such proceeding is brought against him any owner of property that is damaged by the proposed improvement may decline to accept the amount awarded him, if any, and bring an action against the city to recover the amount to which he claims to be entitled. Any such action must be brought within thirty days after the final completion of the improvement. If in such action he fails to recover more than the amount awarded to him by the report aforesaid, he shall not recover costs.

Action to recover amount claimed.

SEC. 22. If the first assessment for any improvement under this act, or if the sale of any bonds issued to represent assessments under this act as hereinafter provided, fails to raise a sufficient amount of money to pay all costs, damages and expenses of the improvement, including any judgments rendered in the action and proceedings mentioned in section 21 and the costs and expenses of such action or proceedings, the legislative body may pay the deficit out of the general fund, or may order a supplemental assessment to raise such deficit, which shall be made and collected in the same manner, as nearly as may be, as the first assessment, and so on until sufficient money shall have been raised to pay for such improvement.

When assessments raise insufficient amount.

SEC. 23. The legislative body of any municipal corporation of this state may, in its discretion, determine that improvement bonds may issue to represent assessments for the costs and expenses of improvements under this act. Such determination, together with the term of such bonds, which shall not exceed twenty-five years from the second day of January next succeeding the date of such bonds, shall be declared in the ordinance or resolution of intention to do said work.

Improvement bonds.

SEC. 24. Whenever it is determined as provided in section twenty-three hereof that improvement bonds may be issued to represent assessments, the owner of any lot or parcel of land against which an assessment has been made when the amount of such assessment is fifty dollars (\$50.00), or over, may at any time prior to delinquency, elect to pay such assessment in installments and to have an improvement bond issued against said lot or parcel of land, in the form and manner and with the effect provided in this act; *provided*, there be no other bond or bonds outstanding against said lot or parcel of land representing any special assessment.

Owner may elect to have bond issued.

SEC. 25. Such election shall be made by such owner, or his agent thereunto duly authorized in writing, by filing with the superintendent of streets an affidavit made before a competent officer that he or his principal, as the case may be, is the owner of the lot or parcel of land in question, and that there is no other bond outstanding against said lot or parcel of land representing any special assessment, which affidavit must be accompanied by a certificate of a searcher of records that he or his principal is such owner, and that there is no other bond outstanding against said lot or parcel of land representing any special assessment, and also by filing with such officer a writ-

Method of making election to have bond issued.

ten agreement upon the form hereinafter provided, waiving all objections of whatsoever kind or nature against the assessment and all proceedings thereto and undertaking to pay the amount of such assessment in such number of equal annual installments as shall be provided in the ordinance or resolution of intention, each of which installments shall be due on the second day of January next following the date of such bond, with such rate of interest per annum as shall be designated in the ordinance or resolution of intention and which shall be payable semiannually on the second day of January, and July thereafter. Said agreement shall contain a provision to the effect that in case of default in the payment of any installment of the principal provided for therein, or interest accrued on deferred payments, at the time called for by said agreement, then, and in that event, the entire remaining unpaid installments shall become immediately due and payable, and that the same, and all liens and agreements which are security therefor, may be collected and enforced as in this act provided. Said agreement shall be in the following or substantially the following form (filling blanks):

Default in
payment.

Form of
agreement.

The undersigned, being the owner of a certain lot assessed in the proceeding for ----- said lot being assessed therein for the sum of ----- (\$-----) dollars, does hereby expressly waive and release all objections of whatsoever kind or nature against the said assessment and all proceedings prior thereto and in consideration of the benefit of said improvement and of the extension of time for paying therefor herein requested, do undertake and agree to pay the amount of said assessment, to wit: the sum of ----- (\$-----) dollars in ----- yearly installments, at the time, and in the manner specified and provided in ----- (title of act), and do request and elect to have a bond issued against said lot in the manner and form and with the effect provided in said act, and do expressly agree that in the case of default in the payment of any installment of the principal provided for in said bond, or interest accrued on deferred payment, then, and in that event, that the entire remaining unpaid installments shall become immediately due and payable, and that the same and all liens and agreements which are security therefor, may be collected, and enforced as in said act provided.

Record of
election.

Upon an election being effected as herein provided the superintendent of streets or other officer having in his custody said assessment shall make a note thereof in his records opposite the assessment as to which such election is made. All agreements and affidavits made and filed hereunder shall be bound in a substantial book and kept among the records of the superintendent of streets, or other officer having custody of such assessments. At the time of delinquency, such officer shall advise, in writing, the city treasurer respecting the assessments as to which the owners have elected to pay in installments. The city treasurer shall thereupon prepare a separate bond representing each assessment as to which such

right of election has been exercised, as specified in the agreement made as herein provided, which bond shall be in the following or substantially the following form (filling blanks) :

IMPROVEMENT BOND.

Improvement bond.

Series-----

\$----- No.-----

Under and by virtue of and pursuant to the provisions of ----- (title of act), I, out of the fund for the above designated improvement bonds, series ----- will pay to bearer the sum of ----- (\$-----) dollars with interest at the rate of ----- per cent per annum, as is hereinafter specified, at the office of the city treasurer of the city of -----, State of California. This bond is issued to represent an assessment for ----- in the city of -----, as the same is more fully described in the assessment therefor. Its amount is the amount assessed in said assessment against the lot numbered ----- therein and in the diagram attached thereto, and which now remains unpaid; but until paid, with accrued interest. is a first lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit: the lot or parcel of land in the city of ----- county of -----, State of California, described as follows:

and it is issued in accordance with the written request therefor on file in the office of ----- the ----- of said city.

This bond is payable exclusively from said fund, and neither the city of -----, nor any officer thereof is to be holden otherwise for its principal or interest. The term of this bond is ----- years from January second, 19--, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year, after the date hereof, an even annual proportion of its principal is due and payable upon presentation of the coupon therefor, until the whole is paid, with accrued interest, at the rate of ----- per cent per annum.

The interest is payable semiannually on the second day of January and July in each year hereafter upon presentation of the coupons therefor, the first of which is for the interest from date to the second day of -----, 19--, and thereafter the interest coupons are for the semiannual interest.

Should default be made in the first, or any succeeding payment of the principal, or in any payment of interest. by the owner of said lot, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and shall thereupon have a right to collect the same and to enforce all liens and agreements which are security therefor as in said act provided.

At said city of -----, this ---- day of ----- in the year one thousand nine hundred and -----.

City treasurer of the city of-----

Payable to bearer

Said bonds shall be payable to the bearer and no mistake or error in the description in the bond of the lot assessed shall affect the validity or lien of the bond, unless the mistake or error is such that the lot cannot be identified, and in such event the holder of such bond may have the same corrected upon application to the city treasurer and the officers or board who or which made the assessment to represent which such bond is issued. The owner of, or any person interested in, any lot or parcel of land upon which a bond has been issued under the terms of this act, may at any time pay off such bond and discharge his land from the lien of the assessment, by paying to the city treasurer, for the holder of such bond, the amount then unpaid or the principal sum thereof, and all interest thereon which has accrued and is unpaid, together with the semiannual installment of interest which will next become due thereafter, and in addition thereto, interest for two years at the rate specified in the bond upon the unpaid amount of the principal.

Owner may pay off bond.

When court declares assessment invalid new assessment may be made.

SEC. 26. Whenever any assessment or any bond to represent the amount of such assessment, made or issued under the provisions of this act, has been set aside by any court of competent jurisdiction, or such court has refused to enforce any assessment, or has decreed any such bond not to constitute a valid and subsisting lien against the lot, piece or parcel of land upon which such assessment has been levied, then the superintendent of streets shall cause a new assessment to be made for the same purpose for which the former assessment was made, whether any of the assessments have been paid or not, and new bonds shall in regular course thereafter issue in the event that bonds were issued under or provided for in the original assessment. It is hereby made the duty of any court of competent jurisdiction in rendering its judgment holding invalid any assessment hereafter made, or of any bond hereafter issued to represent the amount of any such assessment, to make a finding as to whether or not the making of such assessment was entirely without the power of the said city, and if not, then what omission, irregularity, illegality, informality or non-compliance with the requirements of this act has occurred in the proceedings upon which said assessment or assessments and bonds rest, and what effect shall be given to them in making the reassessment. In the event that the court shall find that the proceeding, the expenses of which are represented by said assessment or bonds, was commenced in good faith and carried on pursuant to an ordinance or resolution of the city council providing for such improvement to be paid for by a special assessment, it shall be the duty of the said court to order the making of a new assessment. The city council may, at the request of any interested party, or on its own motion, by resolution duly passed, set aside any assessment or assessments and bonds, to be made and issued without any decree having been obtained of or from any court regarding said matter, if in its opinion the assessment be invalid, and it may take all necessary steps and make and pass all necessary

Court to point out irregularities, etc

City may set aside assessment and make reassessment.

orders, resolutions or ordinances to reassess and relevy such assessment, and may reassess and relevy the same with the same force and effect as an original levy.

Such reassessment, whether made after decree of court has been rendered, or pursuant to a resolution of the council, shall be based upon the special and peculiar benefit of the proposed improvement to the respective lots, pieces or parcels of land assessed. The total amount of the reassessment shall not exceed the total amount of the original assessment. Such reassessment so made shall become a charge upon the property upon which the same is levied, notwithstanding any omission, failure or neglect of any officer, body or person to comply with the provisions of this act, and notwithstanding the fact that the proceedings of the city council, board of public works or any officer of the city or other person connected with such proceedings, may have been irregular, illegal, informal or defective, or not in full conformity with the requirements of this act. It is hereby declared to be the true intent and meaning of this section to make the cost and expense of all local improvements actually made or proposed to be made in the attempted exercise of the powers conferred upon municipalities under this act, payable by the real estate benefited or to be benefited by such improvements by making a reassessment therefor which shall equitably proportion to each lot, each piece or parcel of land thereby benefited the amount of the actual benefits derived or to be derived from said improvement, notwithstanding that the proceedings of the city council or other officers or agents of the city, or other persons connected therewith may have been irregular, illegal or defective, or not in full conformity with the requirements of this act. Such reassessment shall be made without a repetition of the proceedings had prior to the issuance of the assessment and shall be made and issued in the following manner: The superintendent of streets shall, upon the entering of a decree of court directing the reassessment, or upon the passage of a resolution of the city council directing a reassessment, proceed at once to make a reassessment in accordance with the said decree of court or said resolution of the city council thereof. Such reassessment shall be made upon the district described in the ordinance of intention for said improvement, and in the event that there shall have been informalities, uncertainties or ambiguities in the description of the limits of said district, then upon the district which the court or council shall find to be that actually benefited by said improvement, but in so finding said court or council shall follow the lines described in the ordinance of intention so far as the same can be ascertained, and in all cases of uncertainty or ambiguity they shall give regard to the lines described and make such determination as to the lines where there is any uncertainty or ambiguity in the ordinance of intention as may be just and equitable. In the event that a portion of the improvement has been found to be entirely without the power of said city to order, then said assessment shall be for the re-

Reassessment based on special benefits

Method of making reassessment.

Assessment without power of city

Notice.

mainder of the improvement only, and the benefits arising from the improvement entirely without the jurisdiction of the city to order shall not be considered in making the reassessment. Upon the completion of the reassessment it shall be presented to the city council and a day of hearing shall be fixed by it which shall be at least twenty days after the filing of the reassessment. The city clerk shall then advertise the fact of the filing by publishing a notice in the official newspaper, or in such other paper as the council may direct, by five insertions, if the paper be a daily, or by two insertions, if it be a weekly or semi-weekly newspaper, stating the fact that the reassessment has been filed with him and that objections to said reassessment will be heard at the time specified by the city council. At the time fixed for said hearing, or at such time or times to which the same may be adjourned, the city council shall consider the objections to said reassessment and in its discretion revise, correct and modify such reassessment in such manner as is most equitable, and it shall thereupon pass a resolution approving and confirming such reassessment and such decision shall be a final determination of all matters relating to the actual benefits derived or to be derived from the improvement by the respective lots, pieces and parcels of land enumerated in the reassessment. Said reassessment shall thereupon be recorded by the street superintendent and it shall in all respects have the same effect and weight as the original assessment, and shall be enforced in the same manner. All payments made upon the original assessment shall be credited upon the reassessment and in the event that the reassessment in any instance is less than the amount of the original assessment, the excess shall be payable to the persons who paid the original assessments.

Payments on original assessment credited.

Record of bonds issued.

SEC. 27. The city treasurer shall enter in a book kept for that purpose in his office, a record of each bond issued hereunder, specifying the date of its issue, the amount for which issued, to whom delivered, its duration and a description of the lot against which issued. Payments of principal and interest on account of any bond issued hereunder shall be made to the city treasurer, who shall keep a separate account of all such payments, (entering the same in the record herein required to be kept) and place the same in appropriate funds for the payment of principal and interest of the bonds on account of which paid, and who shall, upon the surrender of the coupons attached to said bond, pay to the holder thereof, or his order, the amount called for by said coupons out of the funds in his possession applicable thereto.

Bonds lien on property.

SEC. 28. The improvement bonds issued hereunder shall take the place of and have the same force, validity and effect as assessment liens that the assessments would have had if no bonds had been issued, and the lien of said bonds shall not be held or construed to be merely contractual. Said bonds shall by their issuance be conclusive evidence of the regularity and validity of all proceedings leading up thereto. The

amount due upon any such bond shall be a lien upon the lot described in such bond superior to all other liens, charges and incumbrances, except the liens of prior assessment and of municipal, state and county taxes.

SEC. 29. Improvement bonds or any number of such bonds, issued hereunder, except as otherwise provided in this act, shall be sold to the highest cash bidder, after advertisement for bids, which advertisement shall be published for at least three times in a daily newspaper published and circulated in said city, or if there be no such daily newspaper, then such advertisement shall be published at least once in a weekly or semi-weekly newspaper so published and circulated, or shall be sold in such other manner as the legislative body may determine. If any bond be sold for an amount in excess of par such excess shall be paid into such fund of the city as the legislative body thereof may prescribe. The proceeds of the sale of such improvement bond shall be paid into the fund of the proceeding to represent assessments in which said bonds were issued.

Sale of
bonds.

SEC. 30. Any bonds not sold at the full expiration of fifteen days after the completion of the publication of the advertisement provided for in the preceding section shall be turned into the fund for the improvement for which the assessment is made, and shall be deemed and treated as so much money in said fund, and shall upon final acceptance of said improvement be issued to and accepted by the contractor for the work, or his assigns, in payment *pro tanto* of the contract price of said improvement, provided there is sufficient money in the said fund to pay all incidental expenses and all awards of damages that must be paid prior to the doing of the work. Whenever in the proceedings for any improvement bonds are authorized under the provisions of this act, and at the expiration of fifteen days after the completion of the publication of said advertisement, there is not sufficient money in the fund for the improvement to pay the incidental expenses and the amount of any award or awards of damages that must be paid prior to the doing of the work, the contractor may advance to the fund for said improvement an amount sufficient to pay said incidental expenses and damages, and receive therefor bonds in sufficient amount, at their par value, exclusive of any accrued interest thereon, to equal the amount so advanced by him. If the said contractor in such event fails, neglects or refuses for a period of ten days after written notice from the city treasurer that said fifteen days from the completion of the publication of said advertisement has expired, and that there is not sufficient money in said fund to pay said incidental expenses and said awards of damages, to advance to said fund a sum sufficient for said purposes, the legislative body of the municipality may, in its discretion, declare said contracts forfeited, and said contractor shall thereupon lose all rights under said contract.

Unsold
bonds
turned
into fund.

Contractor
may
advance
incidental
expenses.

Bonds in
satisfaction
of
damages.

SEC. 31. The owner of any property assessed, to whom damages have been awarded, as provided in this act, may take such bonds, or any thereof, in lieu of, or in satisfaction *pro tanto* of, such damages. When so taken such bond shall be deemed to have been sold to such owner and the amount of damages to which he is entitled shall be reduced by the amount of such bonds so taken at their par value. Such owner may, also, at any time after such assessment becomes payable, and before the sale of said property for non-payment thereof, demand of the street superintendent that such assessment, or any number of such assessments, be offset against the amount of damages to which he is entitled. Thereupon, if the amount of such damages be equal to or greater than such assessments, including any penalties and costs due thereon, the assessments shall be marked "paid by offset"; and if said amount be less than said assessments, and any penalties and costs due thereon, the person demanding such offset shall at the same time pay the difference to the street superintendent in money, and the assessments shall, on such payment, be marked paid, the entry showing what part thereof is paid by offset and what part in money.

Advance
from
general
fund to
pay
incidental
expenses.

SEC. 32. The legislative body of any municipality may, in its discretion, upon the failure of any contractor to advance sufficient money to the fund devoted to any improvement to pay the incidental expenses and the awards of damages as hereinabove provided, advance from the general fund, or from such fund as said legislative body may designate, to said fund the amount necessary for such purposes. Whereupon the city treasurer shall issue to said city bonds of the improvement in an amount equal at their par value to the amount of money so advanced by the said city, and in any event it shall be competent for the city to advance to the appropriate fund the par value of all or any part of said bonds, in which case the said bonds shall be issued to the city, and the said city shall have the same rights in respect to the enforcement and collection thereof as other purchasers. Where the city advances money as in this section provided, it shall have full authority at any time to sell said bonds at a point acceptable to the legislative body thereof.

Remain-
ing bonds
treated
as cash.

SEC. 33. Whenever the contractor or the city has advanced to the appropriate fund an amount sufficient to pay the incidental expenses and awards, and has received bonds at their par value in an amount equal to the sum so advanced, as hereinbefore provided, the bonds remaining shall be turned into said fund, and shall be treated and regarded as so much money in said fund, and shall upon final acceptance of the work be issued to and received by the contractor in payment *pro tanto* of the contract price of the said improvement.

Sale of
lots for
delinquent
interest
on bonds.

SEC. 34. Whenever, through the default of the owner of any lot or parcel of land upon which such bond is issued to represent the assessment, payment, either of the principal or of the interest, is not made when the same has become due,

and the holder of the bond thereupon demands, in writing, that the city treasurer proceed to advertise and sell said lot or parcel of land as herein provided, then the whole bond or its unpaid remainder, with its accrued interest, as expressed in said bond, shall become due and payable immediately, and on the day following shall become delinquent.

SEC. 35. Upon the application of the holder of any bond that is now or shall hereafter become delinquent as hereinbefore provided the said city treasurer shall publish twice in a newspaper of general circulation, to be designated by him, published in the city where his office is situated, a notice which must contain the date, number, and series of the delinquent bond, a description of the property mentioned in said bond, and the name of the owner of such property (if known), and if unknown, the fact shall be so stated, the amount due thereon, and a statement that unless the amount of said bond and the interest due thereon, together with the cost of publication of such notice are paid, the real property described in said bond will be sold at public auction on a day to be therein fixed, which shall not be less than fifteen nor more than thirty days from the date of the first publication of said notice, and the place of such sale, which must be in or in front of the office of the said city treasurer. A like notice shall not less than fifteen days before the day of sale so fixed be served upon any such owner if known either personally or by depositing the same in the post office at such city addressed to such owner at his address if known with the postage thereon prepaid. At any time prior to the sale, the owner or person in possession of any real estate offered for sale under the provisions of this act may pay the whole amount of said bond then due, with costs, and such bond shall thereupon be canceled; but in case such payment is not made by such owner or person in possession, or by some one in behalf of such owner, or person in possession, the property subject thereto shall be sold at public auction to the bidder offering to pay the amount due on the bond with costs for the least portion of such lot or parcel of land offered for sale.

Publi-
cation of
notice.

Notice
served
on owner.

SEC. 36. The city treasurer, before the day of sale hereinafter provided for, must file with the city clerk a copy of the publication, with an affidavit of the publisher of such newspaper, or some one in his behalf, attached thereto, that it is a true copy of the same; that the publication was made in a newspaper, stating its name and place of publication and the date of each issue thereof in which such publication was made, on which affidavit is prima facie evidence of all the facts stated therein.

Affidavit
of pub-
lication.

SEC. 37. The city treasurer must collect, in addition to the amount due on such bond, the cost of the publication of such notice, and fifty cents for the certificate of sale delivered to the purchaser as hereinafter provided.

Expenses.

SEC. 38. The city treasurer, before delivering any certificate of sale, must, in a book kept in his office for that purpose,

City
treasurer's
record.

enter the date, number and series of the bond, description of the lands sold, corresponding with the description in the certificate, the date of sale, purchaser's name, the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours, when not in actual use, and he shall enter on the record of the bond the words "canceled by sale of the property," giving the date of such sale.

Pur-
chaser's
lien on
property

SEC. 39. Immediately on the sale, the purchaser shall become vested with a lien on the property, so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the city treasurer of the purchase money, including costs herein provided for, with interest thereon, at the rate of one per cent per month from the date of sale.

Redemp-
tion of
property.

SEC. 40. A redemption of the property sold may be made by the owner of the property, or any party in interest, within twelve months from the date of purchase, or at any time prior to the application for a deed, as hereinafter provided. Redemption must be made in lawful money of the United States, and when made to the city treasurer he must mark the word "Redeemed," the date and by whom redeemed on the margin of the book where the entry of the certificate is made, and credit the amount paid to the purchaser named in the certificate, and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of an assignment thereof, if any.

Deed
after one
year.

SEC. 41. If the property is not redeemed within the time allowed by the provisions of the foregoing section, the city treasurer, or his successor in office, upon application of the purchaser, or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed, substantially, the matter contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. The treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the city treasury for the use of the city after payment has been made therefrom for the acknowledgment of said deed; *provided, however*, that the purchaser of the property, or his assignee, or agent, must, thirty days prior to the expiration of the time of the redemption, or thirty days before his application for a deed, serve upon the owner or agent of the property purchased, if named in such certificate of sale, and upon the party occupying the property, if the property is occupied, a written notice, stating that said property, or a portion thereof, has been sold to satisfy the bond lien, the date of sale, the date, number, and series of the bond, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties, and

Notice
to owner.

costs in this act required. In case of unoccupied property, a similar notice must be posted in a conspicuous place upon the property at least thirty days before the purchaser applies for a deed; and no deed to the property sold, in accordance with the provisions of this act, shall be issued by the city treasurer to the purchaser of such property until such purchaser shall have filed with such treasurer an affidavit showing that the notice hereinbefore required to be given has been given as herein required, which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be entitled to receive the sum of fifty cents for his service of such notice and the making of such affidavit, which sum of fifty cents shall be paid by the redemptioner at the time and in the same manner as the other sums, costs and fees are paid.

Fee for service.

SEC. 42. The deed, when duly acknowledged or proved, shall be conclusive evidence of all things which the bond upon which it is based is conclusive evidence, and prima facie evidence of the regularity of all proceedings subsequent to the issue of the bond, and conveys to the grantee the absolute title to the lands described therein, free of all incumbrances, except the lien for state, county and municipal taxes.

Deed as evidence

SEC. 43. The legislative body of any municipality may, in its discretion, at any time prior to the letting of the contract for any improvement under this act, determine that said proceedings shall be abandoned, which determination shall be declared by ordinance or by resolution entered upon its minutes. Such legislative body may in like manner abandon such proceedings after the letting of such contract in any case where the contractor has failed to begin work within the time provided in this act, or has failed to complete the same within the time specified in the contract, or has failed to diligently prosecute the said work after beginning the same. Such legislative body may also in like manner abandon said proceedings when the contractor has failed, neglected or refused for a period of ten days after receiving the notice from the city treasurer that there is not enough money in the fund for the improvement to pay the incidental expenses and the awards of damages, as hereinbefore provided, to advance to said fund an amount sufficient for such purposes. Such legislative body may in any of the contingencies specified in this section, instead of abandoning the said proceedings, direct the superintendent of streets to readvertise for bids for the doing of said work, or any part thereof, and the said contract may be relet as in the first instance, but the bid of any contractor who has failed in any of the obligations imposed upon him by this act, or by his contract, shall not be considered in any subsequent bidding for the same work.

Abandonment of proceedings.

Readvertisement for bids.

SEC. 44. In all resolutions, notices, orders and determinations subsequent to the ordinance or resolution of intention a description of the assessment district by reference to the ordinance or resolution of intention shall be sufficient, and in

Description by reference.

all resolutions, notices, orders, and determinations subsequent to the "Notice of street work" a description of the work by reference to the ordinance or resolution of intention shall be sufficient.

Defini-
tions:

"lots or
parcels
of land"

SEC. 45. The term "lots or parcels of land" whenever mentioned in this act shall be deemed to include, and shall include, property owned or controlled by any person, firm or corporation, as a railroad, street, or interurban railroad right of way, and whenever a railroad, street, or interurban railroad right of way shall be included within any district to be assessed for the cost of any improvement provided for in this act such railroad right of way (whether the same is owned in fee or as an easement or under a franchise) shall be included in the assessment, and shall be assessed in the same manner and with the same effect as other lots or parcels of land are assessed, as provided in this act, and such railroad, street, or interurban railroad right of way shall be subject to sale for non-payment of assessments as in this act provided.

"Improve-
ment"

SEC. 46. The following words and phrases shall, where used in this act, have the following meaning:

"city"

1. The term "improvement" includes the establishment, change or modification of grade, if any, and all the improvements mentioned in section one of this act.

2. The term "city" includes every incorporated city, city and county, or other corporation organized for municipal purposes.

"city
treasurer"

3. The term "city treasurer" includes any officer who has charge and makes payment of the city funds.

"superin-
tendent of
streets"

4. The term "superintendent of streets" includes any officer or board whose duty it is by law to have the care or charge of streets or the improvement thereof in any city. In any city where there is no superintendent of streets, or such board, the legislative body is hereby authorized to designate some other officer of the city, or other person, to perform the duties imposed by this act on the superintendent of streets, and all of the provisions hereof applicable to the superintendent of streets shall apply to the officer so designated.

"owner"

5. The term "owner" or the term "any person interested" is deemed to be the person owning the fee, or the person in whom on the day any protest is filed, the legal title to real property appears by deeds duly recorded in the county recorder's office of the county in which said city is situate; or any person in possession of real property as the executor, administrator, trustee under an express trust, guardian or other legal representative of the owner, or any person in possession of real property under written contract of purchase, duly recorded.

"incidental
expenses"

6. The term "incidental expenses" shall be held to mean and include all the necessary expenses and disbursements of the commission, the cost of making the assessment, and all expenses necessarily incurred by the city in connection with the proposed improvement for maps, diagrams, plans, surveys, the mailing of any notices, and other matters incident thereto.

7. The term "delinquency" as herein used shall mean delin-^{"delin-}
quency in the payment of an assessment made under the pro-^{quency."}
visions of this act, and the expression "time of delinquency"
shall mean the time in this act fixed when assessments become
delinquent.

SEC. 47. An act entitled "An act to provide for the im-^{Act 1909}
provement of public streets, lanes, alleys, courts and places in ^{repealed.}
municipalities, in cases where any damage to private property
would result from such improvement, and for the assessment
of the costs, damages and expenses thereof upon the property
benefited thereby", approved April 21, 1909, is hereby re-
pealed; *provided*, that proceedings taken under the act hereby
repealed, commenced prior to the taking effect of this act,
may be continued to completion under the provisions thereof
with the same force and effect as if said act were not hereby
repealed.

SEC. 48. Except as to the act hereby expressly repealed ^{Acts not}
this act shall in no wise affect any other act or acts on the ^{repealed.}
same subject, nor apply to any proceedings taken thereunder,
but is intended to and does provide an alternative system for
making the improvements provided for by this act; and it
shall be within the discretion of the legislative body of any
city to proceed, in making said improvements, under the pro-
visions either of this act or of such other acts; but when any
proceedings commenced under this act, the provisions of this
act, and of such amendments thereof as may be hereafter
adopted, and no other, shall apply to all such proceedings, and
any provisions contained in such other acts or any acts in
conflict herewith shall be void and of no effect as to the pro-
ceedings commenced under this act.

SEC. 39. The provisions of this act shall be liberally con-^{Title}
strued to promote the objects thereof. This act may be desig-^{of act.}
nated and referred to as the "Street Improvement Act of
1913."

CHAPTER 567.

*An act to add a new section to the Penal Code of the State of
California, to be numbered six hundred and thirty-six and
one half, to prevent the use or possession of lompara nets,
paranzella nets, trawl or drag nets, and providing the
penalty therefor.*

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Penal
Code of the State of California, to be numbered six hundred
and thirty-six and one half, and to read as follows:

636½. Every person who at any time shall cast, extend, set,
draw, use, or continue or assist in casting, extending, setting,
drawing, using, or continuing, any paranzella or trawl net, for
<sup>Penalty
for using
paranzella
nets.</sup>

catching fish, shellfish, shrimp, or crabs in the waters of fish and game district six or in the waters of Monterey bay shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not less than two hundred and fifty dollars, or by imprisonment in the county jail in the county in which the conviction shall be had, not less than one hundred and twenty-five days, or by both such fine and imprisonment; and all the fines and forfeitures imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 568.

An act to amend the Political Code of the State of California by adding a new section thereto, to be numbered three thousand one hundred fifty-eight, relating to the procedure to be observed by carriers, commission merchants, innkeepers and warehousemen in the sale of unclaimed property.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be numbered three thousand one hundred fifty-eight, and to read as follows:

3158. All proceedings had under this article shall be governed entirely by the provisions hereof, and shall not be controlled or affected by the provisions of article two, of chapter III, of title VII, of part IV, of division III of the Civil Code of the State of California.

Proceedings in sale of unclaimed goods.

CHAPTER 569.

An act to amend an act entitled "An act to create a preserve for shellfish and invertebrate animals within a portion of the bay of Monterey and to prohibit taking the same from such preserve for commercial purposes."

[Approved June 16, 1913. In effect August 10, 1913.]

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

An act to create a preserve for shellfish and invertebrate animals within a portion of the bay of Monterey and to prohibit taking the same from such preserve for commercial purposes is hereby amended as follows:

SECTION 1. A preserve for all kinds of shellfish and invertebrate animals, except squid and devilfish, is hereby created, which shall consist of that portion of the bay of Monterey

Shellfish preserve in Monterey bay created.

bounded and described as follows: Commencing at the extreme point of Point Pinos at the southern entrance to Monterey bay and running thence in a straight line easterly to the eastern shore of said bay to a point north of the town of Seaside, said point being marked by a permanent monument placed by the United States government surveyors and designated as "Monterey N. O. T. C. & G. S. Sta.,"; thence following the shoreline on and around the southerly side of said bay to the place of beginning.

SEC. 2. No person shall fish for, catch, take or remove any shellfish or invertebrate animals of any kind, other than squid and devilfish, for commercial purposes from the preserve hereby created. Fishing prohibited.

SEC. 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail of the county in which conviction shall be had of not less than ten days nor more than one hundred and fifty days, or by both such fine and imprisonment. Penalty.

SEC. 4. All fines and forfeitures imposed and collected for any violation of the provisions of this act shall be paid into the state treasury to the credit of the fish and game preservation fund. Disposition of fines.

CHAPTER 570.

An act to add a new section to the Penal Code of the State of California to be numbered 631d, providing for the breeding and sale of American elk, mule deer, black-tailed deer, white-tailed deer, European red deer, fallow deer, Hawaiian or common Indian deer, roebuck, pheasants, partridges, bobwhite quail, California valley and mountain quail and all varieties of wild ducks; providing for a license therefor; for the manner of killing, tagging, transportation and sale thereof; for reports; for the fencing of the preserves and for the revocation of licenses.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Any person desiring to engage in the business of raising and selling domesticated American elk (*Alces machilis*), mule deer (*Capreolus macrotis*), black-tailed deer (*Capreolus columbianus*), white-tailed deer (*Capreolus leucurus*), European red deer (*Cervus elaphus*), fallow deer (*Cervus dama*), Hawaiian or common Indian deer (*Cervulus muntjac*), roebuck (*Capreolus caprea*), pheasants (*Phasianus linnaeus*), partridge (*Phasianidae*), bobwhite quail (*Ortyx virginianus*), California valley and mountain quail (*Laportyx californicus*), wild duck (*Anatidae*) of any variety, or any of them, in a license to raise elk, deer, etc., as a business.

wholly enclosed preserve or entire island of which he is the owner or lessor, may make application in writing to the state board of fish and game commissioners for a license so to do. The said state board of fish and game commissioners, when it shall appear that said application is made in good faith, shall upon the payment of a fee of twenty-five dollars, issue to such applicant a breeder's license permitting such applicant to breed and raise domesticated American elk, mule deer, black-tailed deer, white-tailed deer, European red deer, fallow deer, Hawaiian or common Indian deer, roebuck, pheasants, partridges, bobwhite quail, California quail, wild ducks, or any of them as hereto designated, on such preserve or entire island, and to sell the same alive or at any time for breeding and stocking purposes, and to kill and transport the same, and sell the carcasses thereof for food as hereinafter provided. Such license shall expire on the last day of December in each year at midnight.

Manner of
and open
season for
killing.

SEC. 2. Manner of and open season for killing. Any person to whom such a license shall have been issued may kill such elk, deer, pheasants, partridges, quail or ducks in the manner and at the times herein set forth, as follows: deer may be killed by shooting or otherwise between the fifteenth day of August and the first day of November, both inclusive. Pheasants or partridges may be killed otherwise than by shooting between the first day of October and the thirty-first day of December, both inclusive. Bobwhite and California quail may be killed otherwise than by shooting between the first day of August and the first day of February, both inclusive. Wild ducks may be killed otherwise than by shooting between the fifteenth day of October and the first day of March, both inclusive. Any person may possess or sell such deer, pheasants, partridges, quail or wild ducks for food, as herein set forth. A breeder of pheasants or partridges, under a license as herewith provided may, during the month of February, kill by shooting his surplus cock pheasants or cock partridges, provided he shall first obtain from the state board of fish and game commissioners a permit so to do.

Tagging.

SEC. 3. Tagging. No deer, pheasants, partridges, quail or wild ducks, killed as aforesaid and intended for sale, shall be shipped, transported, sold or offered for sale, unless each quarter and each loin of each carcass of each deer and each pheasant, partridge, quail or duck shall have been tagged under the supervision of the state board of fish and game commissioners with a tag or seal which shall be supplied by the said commissioners. The quarters and loins of the carcass of such deer and the carcasses of such pheasants, partridges, quail or ducks, when tagged as aforesaid, may be possessed, sold or offered for sale between the dates hereinbefore mentioned as the dates between which they may be killed. Every game protector or person designated by whom such deer, pheasants, partridges, quail or ducks shall have been tagged, shall

within five days thereafter, make and file with the state board of fish and game commissioners a written report thereof, which shall contain a statement of the name of the person by whom such deer, pheasants, partridges, quail or ducks were bred or raised and killed; the number of such deer, pheasants, partridges, quail or ducks, so killed, and the name of the person or persons to whom such deer, pheasants, partridges, quail or ducks were sold or to whom they were transported.

SEC. 4. *Transportation.* Common carriers may receive and transport during the open season therefor, carcasses, or parts thereof, of said deer, pheasants, partridges, quail or ducks tagged as aforesaid, but to every package containing such carcasses or parts thereof shall be affixed a tag or label, upon which shall be plainly printed or written the name of the person to whom such license was issued, and by whom such deer, pheasants, partridges, quail or ducks were killed, the name or names of the person or persons to whom such deer, pheasants, partridges, quail or ducks are to be transported; the name of the game protector or other person by whom such deer, pheasants, partridges, quail or ducks were tagged, the number of carcasses or portions thereof contained therein, and that the deer, pheasants, partridges, quail or ducks were killed and tagged in accordance with the provisions of this section. Transportation.

SEC. 5. *Sale.* No person shall sell or offer for sale any venison or birds killed and tagged as aforesaid, without first obtaining a license so to do from the state board of fish and game commissioners, upon such terms and conditions as the said commissioners may prescribe and any such license may be revoked for sufficient cause at the pleasure of the said commission. The said tags or seals shall remain affixed as aforesaid until the quarters or loins of such deer or the carcasses of such pheasants, partridges, quail or ducks shall have been wholly consumed, and the sale of a quarter or loin, or any larger portion of such deer, or the carcass of any such pheasant, partridge, quail or duck which shall not at the time have affixed thereto the tag or seal aforesaid, shall constitute a violation of this section; *provided, however,* that the keeper of a hotel, or restaurant, a boarding house, or a retail dealer in meat or a club may sell portions of a quarter or loin of any such deer, or the carcass of any such pheasants, partridge, quail or duck so tagged or sealed as aforesaid to a patron or customer for actual consumption, and no license shall be required of such person or club. Sale.

SEC. 6. *Reports.* On or before the first day of April of each year every person, to whom a license shall have been issued as aforesaid shall make a report to the state board of fish and game commissioners, covering the period from the first day of August of the preceding year to the first day of March, both inclusive, of the year in which the report is made, which said report shall state the total number of deer, pheasants, partridges, quail or ducks killed, sold or transported, as permitted by the provisions of this section, during said period. Such reports Reports.

shall set forth the name of the person to whom such deer, pheasants, partridges, quail or ducks were sold or transported, the name of the game protector or person designated in whose presence such elk, deer, pheasants, partridges, quail or ducks were tagged, and such reports shall be verified by the affidavit of the person to whom such license was issued or if the license was issued to a corporation, then by the officer thereof.

Selling
alive.

SEC. 7. Any person to whom such license shall have been issued may sell and ship alive within this state such elk, and all common carriers and transportation companies may receive and carry within the state such live elk as herein set forth, upon such terms and conditions as the said commissioners may prescribe.

Trapping
wild game
permitted.

SEC. 8. For the purposes of this act, it shall be lawful for the fish and game commission to trap and take alive any of the birds or animals mentioned in this act and to dispose of them to any person engaging in the domestication and sale of any of such birds or animals in this state, at a price to be fixed by the fish and game commission; *provided, further*, that no birds or animals mentioned in this act shall be sold to any person until such person shall comply with all the requirements of this act.

Disposi-
tion of
receipts.

SEC. 9. All moneys received from the sale of any birds or animals, or tags provided for in this act, and all fines and forfeitures imposed and collected for any violation of the provisions of this act shall be paid into the state treasury to the credit of the fish and game preservation fund.

Deer
preserves
to be
fenced.

SEC. 10. *Deer preserves to be fenced.* A preserve used for the breeding of elk or deer, pursuant to this section, shall be surrounded by a fence of wire or other material of a pattern to be approved by the state board of fish and game commissioners and of a height of not less than seven feet.

Revoca-
tion of
license.

SEC. 11. *Revocation of license.* If any person to whom such license shall have been issued shall be convicted of a violation of the fish and game law, the state board of fish and game commissioners may revoke the license of such person, and thereafter no similar license shall be issued to such person.

Fees.

SEC. 12. *Fees.* The state board of fish and game commissioners shall be entitled to receive and collect for each tag or seal affixed to the carcass of any animal or bird, as hereinbefore provided, the sum of three cents.

Penalties.

SEC. 13. *Penalties.* Any person who violates or fails to perform any duty imposed by any of the provisions of this act is guilty of a misdemeanor and is liable to a penalty of one hundred dollars and an additional penalty of twenty dollars for each quadruped or bird or part of quadruped or bird bought, sold, offered for sale, taken, possessed, transported or had in possession for transportation in violation thereof. All acts or parts of acts, relating to the protection of game in its wild state, that may be in direct conflict with or in opposition to the enforcement and reasonable operation of this act are hereby repealed.

CHAPTER 571.

An act to amend section three of an act entitled, "An act to regulate the vocation of fishing, and to provide therefrom revenue for the propagation, restoration and preservation of fish in the waters of the State of California," approved March 13, 1909.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section three of an act entitled "An act to regulate the vocation of fishing and to provide therefrom revenue for the propagation, restoration and preservation of fish in the waters of the State of California," approved March 13, 1909, specifying to whom licenses shall be issued, is hereby amended to read as follows:

Section 3. Licenses shall be issued and delivered upon application to the state board of fish and game commissioners or their deputies. The license fee shall be ten dollars for each person. Not more than one license shall be issued to any one person for the same year, except upon affidavit by the applicant that the one issued has been lost or destroyed, and no license issued as herein provided shall be transferable or used by any other person than the one to whom it was issued. Every person having a license as provided herein, who refuses to exhibit such license upon demand of any officer authorized to enforce the fish and game laws of this state, or any peace officer of this state; or who transfers or disposes of the same to another person to be used as a fisherman's license; or who fishes with unlawful lines, nets, seines, or by modes or methods in violation of any law, for the preservation of fish and game shall forfeit this license.

Licenses
for
fishermen.

CHAPTER 572.

An act to add a new section to the Penal Code of the State of California, to be known and numbered as section six hundred and twenty-eight g, relating to shipping or transporting abalones out of the state, and prescribing a penalty for depositing for shipment or transportation, or shipping or transporting any abalone beyond the confines of the state.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be known and numbered as section six hundred and twenty-eight g, which shall read as follows:

628g. Every person, firm, corporation or association who delivers, places or deposits any abalone meat fresh or dry, with

Shipping
abalone
meat pro-
hibited

any railroad company, steamship company, express company, or other common carrier, for shipment or transportation out of this state, and every railroad company, steamship company, express company, or other common carrier, who receives and accepts for shipment or transportation, or who ships, carries or transports any abalone meat fresh or dry, or in cans holding more than one pint beyond the confines of this state, shall be guilty of a misdemeanor.

Penalty.

CHAPTER 573.

An act to add a new section to the Penal Code of the State of California, to be numbered section six hundred and twenty-eight g, relating to the protection and preservation of salt-water perch.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California to be numbered 628g, to read as follows:

Salt-
water
perch.

628g. Every person who, between the first day of May and the fifteenth day of July of any year, buys, sells, offers for sale, ships or offers or receives for shipment, any variety of salt-water perch (*Embiotocidæ*), is guilty of a misdemeanor.

CHAPTER 574.

An act to regulate and license the taking and catching of game fishes and to define game fish and to provide revenue therefrom, for fish preservation and restoration.

[Approved June 16, 1913. In effect January 1, 1914.]

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

License to
take game
fish.

SECTION 1. Every person over the age of eighteen years who, in the State of California, takes, catches, or kills any game fish for any purpose other than for profit, without first procuring a license therefor, as provided in this act is guilty of a misdemeanor.

Licenses
issued by
county
clerks

SEC. 2. Licenses granting the privilege to take, catch or kill game fishes for purposes other than for profit, shall be issued and delivered, upon application, by the county clerk of any of the counties of this state, or by the state board of fish and game commissioners, which board shall prepare suitable licenses of convenient form and size and have printed or stamped thereon the words "Sporting Fishing License No. —, State of California, expires December 31, 19—," with

the registration number and appropriate year printed or stamped thereon, which said license shall be prepared and furnished to the county clerks for their own disposition by the state board of fish and game commissioners, which board shall take receipt therefor by number and quantity, from the several county clerks and the county clerks shall be responsible therefor, and shall account for the same to the controller of the state every three months beginning with the first day of January of each year. For each license sold, registered and accounted for by any person, excepting by a fish and game commissioner, he shall be allowed as compensation, for his own use, out of the fish and game preservation fund, ten per cent of the amount accounted for.

SEC. 3. Licenses as herein provided for shall be issued as follows: Fees.

First—To any citizen of the United States, over the age of eighteen years, who is a bona fide resident of the State of California, upon the payment of one dollar.

Second—To any citizen of the United States, over the age of eighteen years, not a bona fide resident of the State of California, upon the payment of three dollars.

Third—To any person, not a citizen of the United States and over the age of eighteen years, upon the payment of three dollars.

SEC. 4. Every person applying for and securing a license as herein provided, shall furnish to the county clerk and the state board of fish and game commissioners his name and residence address, which information shall be by the clerk or board entered in a book kept for that purpose, and provided by the state board of fish and game commissioners, together with a statement of the date of issuance and the number of the license issued to such person. Such applicant shall also furnish to the county clerk or fish and game commissioners a written description of himself, by age, height, nationality, and color of eyes and hair. Facts given by applicant.

SEC. 5. All licenses issued as herein provided shall be valid, and shall authorize the person to whom issued to take, catch and kill game fishes in accordance with law, on and from the first day of January of the year in which such license is issued, until the date of expiration written or stamped thereon, but no license shall continue in force for a period longer than one year, nor shall such license be issued to any person unless the holder thereof shall agree to exhibit any game fish in his possession to any regularly appointed deputy fish and game commissioner upon demand, said agreement to be contained in said license. Life of license.

SEC. 6. Not more than one license shall be issued to any person for the same license year, except upon an affidavit by the applicant that the one previously issued has been lost or destroyed, and no license issued as herein provided shall be transferable or used by any other person than the one to whom it was issued. Only one license to a person.

Must exhibit license or fish.

SEC. 7. Every person having a license as provided herein must exhibit such license, or any game fish that may be in his possession, upon demand of any officer authorized to enforce the fish and game laws of this state, or any peace officer of the state.

Game fish.

SEC. 8. For the purposes of this act the following only shall be considered game fishes: Tuna, yellow-tail, jewfish or black sea bass, albicore, barracuda, bonita, rock bass, California whiting, also known as corbina and surf-fish, yellow-fin croaker, spot-fin croaker, salmon, steelhead and other trout, charr white-fish, striped bass and black bass.

Penalty for false statement.

SEC. 9. Every person who makes any false statement as to any of the facts required by this act, for the purpose of obtaining a license, and every person violating any of the provisions of this act shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not less than twenty-five, nor more than one hundred dollars or by imprisonment in the county jail for a term of not less than ten days nor more than one hundred days or by both such fine and imprisonment and shall forfeit such license as may have been obtained, and no new license shall be issued to such person for the remainder of the license year.

Disposition of receipts.

SEC. 10. All moneys collected from the sale of licenses as provided in this act and all fines and forfeitures imposed and collected for the violation of any of the provisions thereof, shall be paid into the state treasury to the credit of the fish and game preservation fund.

Not applicable to game commission.

SEC. 11. Nothing in this act shall apply to any deputy or employee of the California fish and game commission while employed in taking fish for scientific purposes or for the purposes of propagation under the direction of said commission.

In effect.

SEC. 12. This act shall take effect January 1, 1914.

CHAPTER 575.

An act to amend an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, by adding a new section thereto.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. An act entitled, "An act to divide the State of California into six fish and game districts," approved March 21, 1911, is hereby amended by adding a new section thereto, to be numbered section seven and to read as follows:

Six fish and game districts.

Section 1. The State of California is hereby divided into six fish and game districts to be known and designated the first fish and game district, the second fish and game district, the third fish and game district, the fourth fish and game

district, the fifth fish and game district, the sixth fish and game district and the seventh fish and game district.

Section 2. The first fish and game district shall consist of ^{First.} and include the counties of Siskiyou, Modoc, Lassen, Shasta, Trinity, Tehama.

Section 3. The second fish and game district shall consist of ^{Second.} and include the counties of Del Norte, Humboldt, Mendocino, Glenn, Colusa, Lake, Sonoma, Napa, Yolo, Solano, Marin.

Section 4. The third fish and game district shall consist of ^{Third.} and include the counties of Plumas, Butte, Sierra, Yuba, Sutter, Nevada, Placer, El Dorado, Sacramento, San Joaquin, Amador, Calaveras, Tuolumne, Mariposa.

Section 5. The fourth fish and game district shall consist of ^{Fourth.} and include the counties of Madera and Tulare, and that part of Stanislaus county east of the west bank of the San Joaquin river; that part of Merced county east of the west bank of the San Joaquin river; that part of Fresno county east of the west bank of San Joaquin river, Fresno slough, Fish slough, Summit lake and Tulare lake; that part of Kings county east of the west bank of Kings river between Summit lake and Tulare lake; that part of Kings county east of the west bank of Tulare lake and east of the west bank of Bull slough; that part of Kern county east of the west bank of Bull slough and the west and south bank of Buena Vista lake to the southeast corner of that lake; that part of Kern county on the northerly side of a line from this point to the southeast corner of section eight, township ten north, range nineteen west, San Bernardino base and meridian at a point where the county road cuts said section corner, such a point being on the northern boundary of the rancho Castac; that part of Kern county on the northerly side of a line from this point following the northern boundary of the rancho Castac to where this boundary joins the westerly boundary of the Fort Tejon rancho; that part of Kern county lying northerly and westerly of the west and north boundary of the Fort Tejon rancho to where the main line of the Southern Pacific railroad intersects said rancho boundary; that part of Kern county on the easterly side of the main line of the Southern Pacific railroad from this point to where the said railroad crosses the south line of Kern county.

Section 6. The fifth fish and game district shall consist of ^{Fifth.} and include the counties of Contra Costa, Alameda, San Francisco, San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey, San Luis Obispo, Santa Barbara and those parts of Stanislaus, Merced, Fresno, Kings and Kern counties not included in fish and game district number four

Section 7. The sixth fish and game district shall consist of ^{Sixth.} and include the counties of Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, San Bernardino.

Section 8. The seventh fish and game district shall consist of ^{Seventh.} and include the counties of Inyo, Mono, Alpine.

CHAPTER 576.

An act to amend section 634 of the Penal Code of the State of California relating to the protection of salmon.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 634 of the Penal Code of the State of California is hereby amended to read as follows:

Protection
of salmon,
shad and
bass.

634. Every person who, between the twentieth day of September and the fifteenth day of November of each year, except with spear or hook and line, said hook and line to be used in the manner known as angling, takes, catches or kills, any salmon, shad or striped bass; every person who, between the twentieth day of September and the fifteenth day of November of each year, takes, catches or kills or has in his possession more than three fresh salmon or more than ten striped bass or shad in any one calendar day; every person who buys, sells, offers or exposes for sale any fresh salmon, shad or striped bass between the twentieth day of September and the fifteenth day of November of each year; every person who buys, sells or offers for sale any quinnat salmon of less than five pounds in weight; every person who shall cast, extend or draw, or assist in casting, extending or drawing any net or seine for the purpose of taking or catching salmon, shad or striped bass in any of the waters in this state, at any time between sunrise of each Saturday and sunset of the following Sunday; every person who takes, catches or kills salmon, shad or striped bass in any of the waters of this state with any seine or net, dragnet or paranzella any of the meshes of which are, when drawn closely together and measured inside the knots less than six and one half inches or more than nine and one quarter inches in length; *provided*, that any person may take, catch or kill striped bass, in the bay of San Francisco and San Pablo bay as far up as the Vallejo light at the mouth of Napa creek, with a net, dragnet or paranzella, the meshes of which are, when drawn closely together and measured inside the knots, not less than five inches; *provided*, that, until July 1st, 1914, it shall be lawful to take, catch, kill, or destroy striped bass or shad with nets the meshes of which are when drawn closely together and measured inside the knots five and one half inches or more in length, subject to the seasons herein set forth; every person who takes, catches or kills any salmon, shad or striped bass with any seine or net, the cork line of which shall be submerged below the surface of the water; every person who shall cast, extend or draw, or assist in casting, extending or drawing any net, seine, dragnet or paranzella, for the purpose of taking or catching salmon in the waters of Eel river above East's ferry in Humboldt county; every person who shall take, catch or kill any salmon except with hook and line within two miles of where a state or United States hatchery or egg collecting station is located; every person who shall cast, extend or draw, or assist in cast-

Use of
nets.

San
Francisco
bay.

Eel river.

ing, extending or drawing, any net, seine, dragnet or paranzella for the purpose of taking salmon in the waters of Mad river above Carson's bridge in Humboldt county, or who shall take, catch or kill any salmon in the waters of Mad river at any time except with spear, hook and line or gill net, the meshes of which gill net are, when drawn closely together and measured inside the knots, six and one half inches or more in length, said gill nets to be used only as hereinafter provided for, is guilty of a misdemeanor; *provided*, that it shall be lawful to take, catch, or kill salmon in the waters of the Klamath river between the fifteenth day of June and the fifth day of September of each year, with spear, hook and line or gill net, the meshes of which gill net are, when drawn closely together and measured inside the knots, six and one half inches or more in length, and it shall be lawful to take, catch or kill salmon in the waters of Klamath river between the twentieth day of September and the first day of November of each year with spear, hook and line or gill net, the meshes of which gill net are, when drawn closely together and measured inside the knots, six inches or more in length; and every person who takes, catches or kills salmon in said Klamath river except with hook and line or spear, between the first day of November and the fifteenth day of June, and the fifth day of September and the twentieth day of September, is guilty of a misdemeanor; *provided, further*, that it shall be lawful to take, catch or kill salmon in Eel river in tidewater between the twenty-third day of October and the first day of February of the following year, and to take, catch or kill salmon in the waters of Eel river from East's ferry down to its mouth in the ocean with gill nets, the meshes of which are, when drawn closely together and measured inside the knots, six and one half inches or more in length, between the fifteenth day of November and the first day of February of the year following; and every person who takes, catches or kills any salmon in tidewater in Eel river except with spear or hook and line between the first day of February and the twenty-third day of October, and every person who at any time takes, catches or kills any salmon above tidewater in Eel river except with spear or hook and line, or gill nets as herein provided for, is guilty of a misdemeanor; *and provided, further*, that it shall be lawful to take, catch or kill salmon in Mad river from its mouth in the ocean to Carson's bridge with gill nets, the meshes thereof which are, when drawn close up together and measured inside the knots, six and one half inches or more in length, between the twenty-third day of October and the first day of February of the year following; *and provided, further*, that every person who takes, catches, or kills any salmon at any time in any stream, river, creek or lagoon in fish and game districts number five or six, excluding the San Joaquin river, except with hook and line in the manner known as angling is guilty of a misdemeanor.

The provisions of this section shall not prohibit the pos-

Sale of
salmon
lawfully
taken.

session, purchase, sale, or offer or exposure for sale or shipment of any salmon lawfully taken in the waters of this state when the same shall be accompanied by an invoice in duplicate showing the name and address of the consignor and consignee and bearing, after inspection, such evidence of having been so caught or taken as shall be required by the fish and game commission; and the cost of such inspection and marking must be paid by the person or persons submitting such salmon for inspection and marking.

Tide-
water in
Eel river.

In the construction of this section, limits of tidewater in Eel river in Humboldt county shall be deemed to extend from its mouth to the county concrete bridge below Fortuna; and in the Klamath river to a point on the river north of the residence of James McGarvey; and in Smith river in Del Norte county from its mouth to Higgins ferry.

Nothing in this section shall prevent the United States bureau of fisheries or the fish and game commission of this state from taking at all times such fish as they deem necessary for the purpose of artificial hatching.

Penalty.

Any violation of any of the provisions of this section shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had of not more than six months or by both such fine and imprisonment, and all fines and forfeitures imposed and collected for any violation of the provisions of this section shall be paid into the fish and game preservation fund.

CHAPTER 577.

An act to amend section 1, of an act entitled "An act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the state board of fish commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches, a misdemeanor," approved March 21, 1907.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1. of an act entitled "An act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the state board of fish commissioners in relation to the control of such right, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches, a misdemeanor," approved March 21st, 1907, is hereby amended to read as follows:

Transfer
of land
for game
preserve
authorized.

Section 1. Any person, firm or corporation, owning and in possession of patented lands in the State of California, embracing an area of not less than one hundred and sixty acres, may

transfer, by an instrument in writing duly acknowledged before an officer authorized under the laws of this state to take acknowledgments, to the State of California, the right to preserve and protect all wild game on the land described therein for a period of not less than ten years. Such instrument shall be filed with the state board of fish commissioners; whereupon such board may in its discretion declare the lands described in such instrument a state game preserve, and thereafter for the period named therein, shall, for all the purposes relating to the preservation and protection of wild game, be under the control of said board. Such preserve shall be numbered in the order of the filing of the instrument of transfer thereof. A copy of the declaration establishing the same shall, under the seal of said board, be issued to such person, firm or corporation, transferring the right therefor. During the period named in such instrument it shall be unlawful for any person to hunt, pursue, shoot, take, kill or destroy any wild game within the exterior boundaries thereof. The state board of fish commissioners shall cause to be prepared suitable notices to be posted under its direction on each state game preserve and such notice shall describe the lands constituting the same, and shall contain a warning to all persons to refrain for the period named therein from violations of the provisions of this act; *provided, however*, that no provision in this act contained shall be construed as prohibiting or preventing any person or persons from hunting or taking fish and wild game from or on navigable water; *and provided, further*, that the word "lands," as used in this section, shall not be construed to include any land which is covered and uncovered by the ordinary daily tide of the Pacific ocean.

Unlawful
to take
game.

Notices.

CHAPTER 578.

An act to amend an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending sections two, three, thirty, thirty-one, thirty-two, forty-one, forty-three, and sixty-one thereof, and to add two new sections to said act to be numbered thirty-two and one half and fifty-four and one half, said new sections relating respectively to selling for less than par bonds of such districts authorized but not sold, and to reports to be made by officers of such districts to the state engineer and recommendations to be made by him.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section two of the act entitled "An act to provide for the organization and government of irrigation dis-

tricts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, is hereby amended to read as follows:

Petition to
organize
irrigation
district.

SEC. 2. In order to propose the organization of an irrigation district, a petition shall be presented to the board of supervisors of the county in which the lands within the proposed district, or the greater portion thereof, are situated, signed by the required number of holders of title, or evidence of title, including such aforesaid possessory rights, to lands within such proposed district, and representing the requisite majority in value of said lands, which petition shall set forth generally the boundaries of the proposed district and also shall state generally the source or sources (which may be in the alternative) from which said lands are proposed to be irrigated, and shall pray that the territory embraced within the boundaries of the proposed district may be organized as an irrigation district under the provisions of this act. The petition may consist of any number of separate instruments, and must be accompanied with a good and sufficient undertaking, to be approved by the board of supervisors, in double the amount of the probable cost of organizing such district, conditioned that the sureties shall pay all of said costs in case said organization shall not be effected. Said petition shall be presented at a regular meeting of said board and shall be published for at least two weeks before the time at which the same is to be presented in some newspaper of general circulation printed and published in the county where said petition is presented, together with a notice stating the time of the meeting at which the same will be presented; and if any portion of the lands within said proposed district lie within another county or counties, then said petition and notice shall be published, as above provided, in a newspaper published in each of said counties. When contained upon more than one instrument, one copy only of such petition need be published, but the names attached to all of said instruments must appear in such publication. On or before the day on which said petition is presented to said board of supervisors, a copy of said petition shall be filed in the office of the state engineer. When said petition is presented, said board of supervisors shall hear the same and shall proceed to determine whether or not said petition complies with the requirements hereinbefore set forth and whether or not the notice required herein has been published as required, and must hear all competent and relevant testimony offered in support of or in opposition thereto. Said hearing may be adjourned from time to time for the determination of said facts, not exceeding two weeks in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings thereon; *provided*, such petition or petitions have a sufficient number of qualified signatures attached thereto. The determination of the board shall

Publication.

Hearing.

be expressed by resolution. If it shall determine that any of the requirements hereinbefore set forth have not been complied with, the matter shall be dismissed, but without prejudice to the right of the proper number of persons to present a new petition covering the same matter or to present the same petition with additional signatures, if such additional signatures are necessary to comply with the requirements of this act. If the board of supervisors shall determine that the petitioners have complied with the requirements hereinbefore set forth, it shall cause a copy of the resolution so declaring to be forwarded to the state engineer and shall postpone further hearing of said petition for one month, or from time to time, not exceeding one month in all. Upon receiving a copy of said resolution, the state engineer shall make or cause to be made such an investigation as may be practicable, with a view to determining whether any condition or conditions exist that would justify him in reporting against the organization of the proposed district. He shall report in writing on the matter to the board of supervisors from which the copy of said resolution was received, and said report shall be made within one month from the date of the adoption of said resolution, but failure by the state engineer to perform any duty required herein shall not invalidate the organization of any district, nor shall any board of supervisors, because of failure to receive a report from the state engineer, delay the proceedings herein required for a longer time than is allowed herein. If the state engineer shall report that the supply of water available for the use of the proposed district, or that may be acquired by any practicable means, including the condemnation of existing rights, is not sufficient or that the project is not feasible for any other reason or reasons and if such report shall be filed with the said board of supervisors before the expiration of one month from and after the date of the adoption of the aforesaid resolution, the hearing of the petition shall again be continued for one month and shall then be dismissed, unless the board of supervisors shall be requested in writing by three fourths of the holders of title or evidence of title, including possessory rights, to lands within said proposed district to grant the same; *provided*, that if such request is not received, the board of supervisors may modify the plans for the proposed district in accordance with recommendations by the state engineer. If the report of the state engineer shall not compel the continuance of the matter as aforesaid, the board of supervisors shall, at the regular meeting at which said report shall have been received, proceed to a final hearing of the petition, and if said board shall, after receiving an adverse report from the state engineer, decide to modify the plan as set forth in said petition or shall be requested in writing by three fourths of the holders of title or evidence of title, including possessory rights, to the lands within said proposed district to grant said petition, said board shall then proceed to a final hearing of the matter. On any final hearing herein provided for, the board may adjourn

Investigation of state engineer.

Report that project is not feasible.

Final hearing.

Changes
in bound-
aries.

from day to day, but not for a longer time, until a determination of the matter is reached. On said final hearing said board shall make such changes in the proposed boundaries as it may deem advisable and shall define and establish such boundaries; but said board shall not modify said boundaries so as to exclude from such proposed district any territory which is susceptible of irrigation from any of the sources proposed, unless said board shall decide to modify the plan for such proposed district, as herein provided, nor shall any lands which will not, in the judgment of said board, be benefited by irrigation by means of any of said systems of works be included within such proposed district. Any person whose lands are susceptible of irrigation from any of the proposed sources may, upon his application, in the discretion of said board, have such lands included within said proposed district.

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

Order re-
affirming
conclu-
sions.

Section 3. Upon the final hearing of said petition or said matter, the board of supervisors shall make an order reaffirming its conclusions as to the genuineness and sufficiency of the petition and notice hereinbefore provided for, reciting that a report regarding the proposed district has been made by the state engineer and is on file with the other records of the board, and describing the boundaries of the proposed district as defined and established by said board. Said order shall be entered in full upon the minutes of said board. At said final hearing no evidence shall be heard against the genuineness or sufficiency of said petition or notice unless it shall be shown to the satisfaction of said board that new evidence which, if uncontradicted, would disprove the genuineness or sufficiency of said petition or notice has been discovered since said board adopted the resolution declaring that said petition and notice complied with all the requirements of this act. In case any new evidence is admitted, full opportunity shall be given for the introduction of evidence in rebuttal thereof.

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

Estimate
of money
needed for
improve-
ments.

Section 30. For the purpose of constructing necessary irrigating canals and works, and acquiring the necessary property and rights therefor, and for the purpose of acquiring waters, water rights and other property necessary for the purposes of said district, and otherwise carrying out the provisions of this act, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and also whenever thereafter the construction fund has been exhausted by expenditures herein authorized therefrom and it is necessary to raise additional money for said purposes, estimate and determine the amount of money necessary to be raised. For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, said board shall cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for the

said estimate. All such surveys, examinations, drawings and plans, and the estimate of cost based thereon shall be made under the direction of a competent irrigation engineer and shall be certified by him. Said board shall then submit a copy of the said engineer's report to the state engineer, who shall forthwith proceed to examine said report and any data in his possession or in the possession of the district and to make such additional surveys and examination as he may deem proper or practicable, and within ninety days from the time of receiving said copy of said report shall make to the board of directors of said district a report, which shall contain such matters as in the judgment of the state engineer may be desirable; *provided*, that it shall state his conclusions as to the supply of water available for the use of the district and the feasibility of the project for which the proposed bonds are to be issued. After receiving said report, said board of directors, if it shall be convinced and shall declare by resolution that the supply of water available for the use of the district is sufficient for the project for which the proposed bonds are to be issued, if said issue, or any part thereof, is to be used for the acquisition or construction of irrigation works, and that the said project is feasible, shall make an order determining the amount of bonds that should be issued in order to raise the amount of money needed for the purpose or purposes for which said bonds are desired. And thereafter said board, when petitioned by a majority of the holders of title, or evidence of title, and of possessory rights to lands within the district, such holders of title, or evidence of title, and of such possessory rights representing a majority in value of said lands according to the equalized assessment roll of the district, if such has theretofore been made, and, if such has not been made, then according to the equalized county assessment roll covering the lands in such district, shall immediately call a special election, at which shall be submitted to the electors of such district, possessing the qualifications prescribed by this act, the question whether or not the bonds of said district in the amount as set forth in said petition shall be issued. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; *provided*, that no informalities in conducting such an election shall invalidate the same if the election shall have been otherwise fairly conducted. At said election questions as to the issuance of bonds may be submitted separately on the same ballot if estimates

Report
submitted
to state
engineer.

Order of
amount
of bonds.

Special
election.

Notices.

Questions
on ballot.

Ballots.

of the cost of the respective projects have been made and the state engineer has reported thereon and the aforesaid petition has requested that said questions be so submitted and the respective propositions have been stated in the notices of the election. At such election the ballots shall contain a statement of the proposition or propositions to be voted on, including the amount of bonds proposed to be issued for each purpose. Each proposition shall be followed by the words "Yes" and "No," on separate lines, with a small enclosed space after each of said words. The electors shall vote for or against any proposition by stamping a cross (X) in the voting space after the word "Yes" or "No" respectively. On the ballot shall be printed the following under the heading "Instructions to Voters": "To vote for a proposition, stamp a cross (X) in the voting space after the word 'Yes' following the proposition. To vote against a proposition, stamp a cross (X) in the voting space after the word 'No' following the proposition." If a majority of the votes cast for and against any proposition are for "Yes," the board of directors shall cause bonds in the amount specified in such proposition to be issued; if a majority of the votes cast for and against any proposition are for "No," the result of the vote on such proposition shall be so declared and entered of record. Whenever thereafter a petition of the character hereinbefore provided for in this section is presented to the board, it shall so declare of record in its minutes and shall thereupon submit such questions to said electors in the same manner and with like effect as at such previous election.

SEC. 4. Section thirty-one of said act is hereby amended to read as follows:

Life of bonds.

Section 31. All bonds issued under the provisions of this act shall be payable in gold coin of the United States, in twenty series, as follows, to wit: At the expiration of twenty-one years from the date of any issue of said bonds, two per centum of the whole amount of such issue; at the expiration of twenty-two years from said date, two per centum of the whole amount of such issue; at the expiration of twenty-three years from said date, three per centum of the whole amount of such issue; at the expiration of twenty-four years from said date, three per centum of the whole amount of such issue; at the expiration of twenty-five years from said date, four per centum of the whole amount of such issue; at the expiration of twenty-six years from said date, four per centum of the whole amount of such issue; at the expiration of twenty-seven years from said date, four per centum of the whole amount of such issue; at the expiration of twenty-eight years from said date, four per centum of the whole amount of such issue; at the expiration of twenty-nine years from said date, five per centum of the whole amount of such issue; at the expiration of thirty years from said date, five per centum of the whole amount of such issue; at the expiration of thirty-one years from said date, five per centum of the whole amount of such

issue; at the expiration of thirty-two years from said date, five per centum of the whole amount of such issue; at the expiration of thirty-three years from said date, six per centum of the whole amount of such issue; at the expiration of thirty-four years from said date, six per centum of the whole amount of such issue; at the expiration of thirty-five years from said date, six per centum of the whole amount of such issue; at the expiration of thirty-six years from said date, six per centum of the whole amount of such issue; at the expiration of thirty-seven years from said date, seven per centum of the whole amount of such issue; at the expiration of thirty-eight years from said date, seven per centum of the whole amount of such issue; at the expiration of thirty-nine years from said date, eight per centum of the whole amount of such issue; at the expiration of forty years from said date, eight per centum of the whole amount of such issue; *provided*, that the bonds of any issue may be made payable at the end of shorter periods than are specified herein and the number of series in any issue may be less than twenty, if the number of series in the proposed issue and the proposed periods at the end of which the respective series shall be payable are specified in the petition and in the notices of the election provided for in section 30 of this act. While the foregoing several enumerated percentages are of the entire amount of the bond issue, each bond must be made payable at a given time for its entire amount and not for a percentage. The date of issue of any bond authorized under this act shall be deemed to be the apparent date of issue of the said bonds appearing upon the face thereof, which date shall be subsequent to the date of the bond election authorizing said bonds and prior to the date of actual delivery of said bonds to the purchasers thereof. Said bonds shall bear interest at a rate to be determined by the board of directors of the district issuing them, but not exceeding six per cent per annum payable semiannually on the first day of January and the first day of July of each year. Principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred dollars nor more than one thousand dollars, as the board of directors may determine; shall be negotiable in form, signed by the president and secretary of said board of directors, and the seal of the board shall be affixed thereto. Each issue shall be numbered consecutively as issued, and bonds of each issue shall be numbered consecutively and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the secretary. Said bonds shall express on their face that they were issued by authority of this act, stating its title and date of approval, and also stating the number of the issue of which such bonds are a part. The secretary shall keep a record of the bonds sold, their number, the date of sale, the price received and the name of the purchaser. The provision of this section defining what

May be paid at end of shorter periods.

Interest.

Denominations.

Interest coupons.

Record of bonds sold.

shall constitute the date of issue of bonds shall apply to any and all bonds issued in pursuance of this act.

SEC. 5. Section thirty-two of said act is hereby amended to read as follows:

Sale of
bonds.

Section 32. The board may sell said bonds from time to time in such quantities as may be necessary and most advantageous to raise money for the construction of said canals and works, the acquisition of said property and rights, or the acquisition of any water or water rights, and otherwise to fully carry out the objects and purposes of this act. Before making any sale the board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given, by publication thereof at least three weeks in some newspaper published in the county where the office of the board of directors is located and in any other newspaper at its discretion. The notice shall state that sealed proposals will be received by the board at their office, for the purchase of bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals and award the purchase of the bonds or any portion or portions thereof to the highest responsible bidder or bidders; *provided, however,* that they may reject any or all bids.

Notice
by pub-
lication.

SEC. 6. A new section is hereby added to said act after section thirty-two, to be known as section thirty-two and one half and to read as follows:

Election
on sale
of bonds
for less
than par.

Section 32½. If any irrigation district bonds have been authorized before the time when this section shall go into effect but have not been sold and the board of directors of said district deems it desirable that said board be authorized to sell said bonds for less than the par value thereof, said board may call a special election to submit to the voters of the district said proposition. Such election shall be held and notice thereof shall be given in the same manner as is provided in the case of special elections to authorize the issuance of bonds in irrigation districts. The proposition shall be stated in substantially the following form: "Shall the board of directors of _____ (insert the name) irrigation district be authorized to sell bonds of the district for less than the par value thereof?" followed by the words "Yes" and "No," as provided in section 30 hereof. If at least two thirds of the legal votes cast at such election are for "Yes," then the board of directors may sell any bonds authorized by said district before this section shall take effect to the highest responsible bidder or bidders, as is provided in the foregoing section. If less than two thirds of the legal votes cast at such election shall be for "Yes" the result shall be entered of record.

SEC. 7. A new section is hereby added to said act after section fifty-four, to be numbered section fifty-four and one half and to read as follows:

Section 54½. During the construction of any work to be

paid for out of the proceeds of the sale of any bonds of any irrigation district within this state, the secretary of the board of directors shall, within one week after each regular meeting of said board, forward to the state engineer copies of all reports made to said board as to the progress of said work and a statement of the amounts paid for the doing of any part of said work. Immediately after the publication of the statement of the financial condition of any irrigation district within this state, required by section 14 of this act to be made annually, the board of directors of said district shall cause a copy of said statement and a report stating the general condition of any works constructed or acquired by said district and whether or not the plan of irrigation adopted by the district is being successfully carried out and any other matters which the board may deem proper, to be forwarded to the state engineer, who shall examine said statement and report and make to said board such recommendations and comments as he may deem proper. The state engineer may at any time make or cause to be made an examination of the affairs of any irrigation district within this state or call upon the authorities of such district for such information as he may desire and make such report thereon as he may deem advisable.

Reports
to be
forwarded
to state
engineer.

SEC. 8. Section sixty-one of said act is hereby amended to read as follows:

Section 61. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void, except that for the purposes of organization, or for any of the purposes of this act, the board of directors may, before the collection of the first assessment, incur indebtedness in such sum or sums as shall amount to two thousand dollars, or, if the district shall contain more than four thousand acres, to one half as many dollars as there are acres of land in the district, and may cause warrants of the district to be issued therefor, bearing interest at seven per cent per annum; *provided, however*, that in no case shall the total amount of warrants authorized in this section exceed \$50,000, and all such warrants must be made payable not later than the first day of January after the first assessment shall be levied in the district issuing such warrants; *and provided, further*, that nothing contained in this section shall be construed as limiting the right of the board to enter into any contract or lease for any lands, waters, water rights or other property, as in this act provided for, and by such lease or contract to bind the district for the payment of the rental or consideration specified in such lease or contract; *and provided, further*, that any warrant of the district payable on demand, if presented to the treasurer for payment when funds are not available for the payment thereof, shall thereafter draw interest at the rate of five per cent per annum until public notice is given that such

Districts
may not
incur
liability
in excess
of bonds.

Warrants
not paid
to bear
interest.

funds are available. Upon the presentation of any such warrant for payment when funds of the district are not available to pay the same, the treasurer of the district shall indorse thereon the words, "Funds not available for payment," with the date of presentation, and shall sign his name thereto. He shall keep a record, showing the number and amount of each such warrant, the date of its issuance, the person in whose favor it was issued and the date of its presentation for payment.

Notice
that war-
rants will
be paid.

Whenever there is sufficient money in the treasury to pay all such outstanding warrants, or whenever the board of directors shall order that all such warrants presented for payment prior to a certain date be paid and there is sufficient money available for such payments, the treasurer shall give notice in some newspaper published in the district, or, if none is published therein, then in some newspaper published in the county in which the district or any portion thereof is situated, or, if none is published in such county, then the treasurer shall post such notice conspicuously in the place in which the board of directors of the district holds its regular meetings, stating that he is prepared to pay all warrants of the district for the payment of which funds were not available upon their original presentation, or all such warrants which were presented for payment prior to the date fixed by the board of directors, as the case may be, and no further description of the warrants entitled to payment shall be made in such notice. Upon the presentation of any warrant entitled to payment under the terms of such notice, the treasurer shall pay it, together with interest thereon at the rate of five per cent per annum from the date of its original presentation for payment to the date of the first publication or posting of the aforesaid notice, and all warrants for the payment of which funds are declared in said notice to be available shall cease to draw interest at the time of the first publication or posting of said notice. The treasurer shall enter in the record hereinbefore required to be kept the dates of the payment of all such warrants, the names of the persons to whom payments are made and the amount paid to each person.

SEC. 9. Section forty-one of said act is hereby amended to read as follows:

Notice
that
assess-
ments
are due.

Section 41. On or before the first day of November, the secretary must deliver the assessment book to the collector of the district, who shall within twenty days publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable and will become delinquent at six o'clock p.m. on the last Monday of December next thereafter, and that unless paid prior thereto ten per cent will be added to the amount thereof, and also the time and place at which payment of assessments may be made, which notice shall be published for the period of two weeks. The collector must attend at the time and place specified in the notice to receive assessments, which must be paid in gold and silver coin; he must mark the date of payment of any assessment in the assessment book, opposite the name of the person

paying and give a receipt to such person, specifying the amount of the assessment and the amount paid, with the description of the property assessed. On the last Monday in December at six o'clock p.m. of each year, all unpaid assessments are delinquent and thereafter the collector must collect thereon, for the use of the district, an addition of ten per cent.

When delinquent.

SEC. 10. Section forty-three of said act is hereby amended to read as follows:

Section 43. The collector must collect, in addition to the assessments due on the delinquent list, and ten per cent added, fifty cents on each lot, piece or tract of land separately assessed. On the day fixed for the sale, or some subsequent day to which he may have postponed it, of which he must give notice, the collector, between the hours of ten a.m. and three o'clock p.m., must commence the sale of the property advertised, commencing at the head of the list and continuing alphabetically, or in the numerical order of the lots or blocks, until completed. He may postpone the day of commencing the sales, or the sale, from day to day, but the sale must be completed within three weeks from the day first fixed; *provided*, that if any sale or sales shall be stayed by legal proceedings, the time of the continuance of such proceedings is not part of the time limited for making such sale or sales; *and provided, further*, that in any district where the validity of any assessment shall be in litigation at the time this act shall take effect, the sale of any property, whether it be involved in such litigation or not, may be postponed for a time not to exceed four months.

Sale of property for delinquent assessment.

CHAPTER 579.

An act to amend section 626k of the Penal Code of the State of California, relating to the sale of wild game or the dead bodies thereof.

[Approved June 16, 1913. In effect August 10, 1913.]

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

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

626k. Every person who buys, sells, ships, offers, or exposes for sale, barter, trade or shipment, any wild game, bird, or animal, except rabbits and wild geese, protected by law and mentioned in part I, title XV, chapter I, of the code, or the dead body of any such game, bird, or animal, or any part thereof, whether taken or killed in the State of California or shipped into the state from another state, territory, or foreign country, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not less than twenty dollars nor more than five hundred dollars, or imprisonment in the county jail of the county in which the conviction shall be had, not less than twenty days nor more than six months,

Sale of wild game prohibited.

or by both such fine and imprisonment; and all fines and forfeitures imposed and collected for violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund. Nothing in this section shall be construed to prohibit the sale of any species of wild duck from the first day of November to the first day of December of the same year.

CHAPTER 580.

An act to amend sections 632 and 632½ of the Penal Code of the State of California relating to the protection and preservation of fish.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 632 of the Penal Code of the State of California is hereby amended to read as follows:

Section 632. Every person who, at any time buys, sells, offers or exposes for sale any trout less than twelve inches in length, every person who, in game district one, between the thirtieth day of November and the first day of May of the year following, buys, sells, offers for sale, takes, catches, kills, or has in his possession any variety of trout; or who takes, catches, kills, or has in his possession during any one calendar day more than fifty trout or ten pounds and one fish or one fish weighing ten pounds or over, or who takes, catches, kills or has in his possession any trout taken, except with hook and line and in the manner commonly known as angling; *provided, further,* that in game district two, every person who, between the thirty-first day of October and the sixteenth day of April of the year following, buys, sells, offers for sale, takes, catches, kills, or has in his possession any variety of trout except steelhead trout, or who takes, catches, kills or has in his possession during any one calendar day more than fifty trout except steelhead trout or ten pounds and one fish or one fish weighing ten pounds or over, or who takes, catches, kills, or has in his possession any trout other than steelhead trout taken except with hook and line and in the manner commonly known as angling; *provided, further,* that in game districts three and seven, every person who, between the thirty-first day of October and the first day of May of the following year, buys, sells, offers for sale, takes, catches, kills, or has in his possession, any variety of trout, or who at any time takes, catches, kills, or has in his possession during any one calendar day, more than fifty trout other than *Salmo mykiss henshawii*, and *Salmo tahoensis* (also known as *Salmo regalis*) both species being known as Tahoe trout, or black spotted trout, the total weight of which exceeds ten pounds and one fish or one fish weighing ten pounds or over, or who takes, catches, kills, or has in his possession any trout taken except with hook and line and in the manner

Protection of trout.

Game district No. 2.

Game districts Nos. 3 and 7.

commonly known as angling; *provided, further, that*, every person who, between the thirty-first day of October and the first day of August of the year following, buys, sells, offers for sale, takes, catches, kills, or has in his possession any trout taken within 300 feet of the mouth of any stream flowing into any lake; *provided, that* it shall be unlawful to take, catch or kill trout within 2,500 feet of the mouth of Blackwood creek or Taylor creek or within 500 feet of the mouth of any other stream flowing into Lake Bigler (Tahoe) from the mouth of any stream in any direction in the lake, or who takes, catches, or kills, or has in his possession any trout taken from any stream flowing into Lake Bigler (Tahoe) two miles from its mouth towards its source between May 1st and August 1st; *provided, further, that* it shall be unlawful to sell *Salmo mykiss henshawii*, *Salmo tahoensis* (also known as the *Salmo regalis*) both species commonly known as cutthroat trout, Tahoe trout, or black spotted trout, of not less than twelve inches in length; *provided, that* any person who takes, catches, kills, buys, sells, offers for sale, or has in possession more than twenty *Salmo mykiss henshawii*, *Salmo tahoensis* (also known as *Salmo regalis*) both species known as Tahoe trout, cutthroat trout or black spotted trout, in any one calendar day; *provided, further, that* in game district four every person who, between the thirtieth day of November and the first day of May of the year following buys, sells, takes, catches, kills, or has in his possession any variety of trout, except steelhead trout; or who at any time, takes, catches, kills, buys, sells, offers for sale, or has in his possession, during any one calendar day more than fifty trout, except steelhead trout, or ten pounds and one fish or one fish weighing ten pounds or over, or who takes, catches, kills, or has in his possession any trout taken except with hook and line and in the manner commonly known as angling; *provided, further, that* in game districts five and six, every person who, between the thirty-first day of October and the first day of April of the following year, buys, sells, takes, catches, kills, or has in his possession any variety of trout except steelhead trout, or who at any time, takes, catches, or kills, any trout except with hook and line in the manner commonly known as angling, or who at any time, takes, catches, or kills, or has in his possession, during any one calendar day, more than fifty trout, or ten pounds and one fish or one fish weighing ten pounds or over, other than steelhead trout, is guilty of a misdemeanor. The violation of any of the provisions of this section is hereby declared a misdemeanor, and every person found guilty of any violation of any of the provisions of this act, must be fined in a sum not less than twenty-five dollars, nor more than five hundred dollars, or be imprisoned in the county jail in the county in which the conviction shall be had not less than ten days nor more than six months, or by both such fine and imprisonment; and all fines and forfeitures collected for any violation of any of the provisions of this section must be paid into the state treasury

Game
district
No. 1.

Game
districts
Nos. 5
and 6.

Penalty.

to the credit of the fish and game preservation fund. It shall be unlawful for any person to take, catch, kill, or have in possession, in any district in this state, any white fish during the time it is unlawful to catch, kill, or have in possession any trout in such district. Nothing in this section prohibits the fish and game commission of this state from taking at all times such trout as they deem necessary for purposes of propagation or for scientific purposes.

Protec-
tion of
steelhead
trout.

SEC. 2. Section 632½. Every person who, between the first day of December and the first day of April of the year following, takes, catches, kills, destroys, or has in his possession, any steelhead trout taken above tidewater; or who between the first day of January and the first day of April of the same year, takes, catches, kills or has in his possession any steelhead trout taken, caught or killed in tide or brackish waters; or who, at any time, takes, catches, or kills any steelhead trout, except with hook and line used in the manner commonly known as angling; or who has in his possession any steelhead trout which have been taken, caught, or killed, except with hook and line; or who, at any time, takes, catches, kills or has in his possession, during any one calendar day, more than fifty steelhead trout; or who, at any time, takes, catches, kills or has in his possession, during any one calendar day, steelhead trout, the total weight of which exceeds thirty pounds caught, taken, or killed in the waters of this state; or who buys, sells, offers or exposes for sale any steelhead trout less than twelve (12) inches in length, or any steelhead trout of less than one pound in weight, is guilty of a misdemeanor. Every person who offers for shipment, ships, carries, transports, or who receives for shipment or transportation from the State of California to any place in any other state, territory, or foreign country any steelhead trout, or other trout, caught, or taken in the waters of this state, is guilty of a misdemeanor; *provided always*, that the possession of such steelhead trout or other trout shall be prima facie evidence of the fact that such steelhead trout or other trout were caught or taken in the waters of this state; *provided, further*, that nothing herein shall apply to domestically reared steelhead trout or other trout raised in captivity. Every person found guilty of any violation of any of the provisions of this section must be fined in a sum not less than twenty dollars, nor more than two hundred dollars, or be imprisoned in the county jail in the county in which the conviction shall be had, not less than ten days nor more than sixty days, or by both such fine and imprisonment, and all fines collected for any violation of any of the provisions of this section must be paid into the state treasury, to the credit of the fish and game preservation fund. Nothing in this section shall prohibit the United States fish commission and the fish and game commission of this state from taking at all times such steelhead trout or other trout as they deem necessary for the purpose of propagation or for scientific purposes.

Penalty.

CHAPTER 581.

An act to amend section 628 of the Penal Code of the State of California relating to the protection and preservation of fish.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 628 of the Penal Code of the State of California is hereby amended to read as follows:

Section 628. Every person who at any time, offers for shipment or ships, or who receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country, or who has in his possession, for any purpose, any dried shrimp or shrimp shells of shrimp caught or taken in the waters of this state shall be guilty of a misdemeanor; *and be it provided*, that the possession of such dried shrimp or shrimp shells, for any purpose shall be prima facie evidence that such dried shrimp or shrimp shells are of shrimp which were caught or taken in the waters of this state. Every person who, between the first day of March and the thirty-first day of October of the same year, both dates inclusive, takes, catches, kills, has in possession, buys, sells, or offers for sale any lobster (crawfish), or who at any time takes, catches, kills, has in possession, buys, sells, or offers for sale any lobster (crawfish) of less than nine inches or more than thirteen and one half inches in length, measured from one extremity to the other and exclusive of legs, claws or feelers, or who shall at any time, pickle, can or otherwise preserve any lobster (crawfish) or crab (*Cancer magister*), or who shall at any time, sell any lobster (crawfish), crab (*Cancer magister*) meat not in the shell of such lobster (crawfish) or crab (*Cancer magister*), or who shall bring to shore any part or portion of any lobster (crawfish) or crab (*Cancer magister*) without remaining portions of such lobster (crawfish) or crab (*Cancer magister*) in such condition that the size of such lobster (crawfish) or crab (*Cancer magister*) can not be measured, shall be guilty of a misdemeanor. Every person who, at any time, has in his possession for sale, or sells, or offers for sale, any dressed catfish less than seven inches in length not including the head, or who, at any time kills or has in his possession any sturgeon of less than twenty-five pounds in weight, shall be guilty of a misdemeanor. Every person who, at any time, takes, catches, kills, has in his possession, buys, sells, or offers for sale, any crab (*Cancer magister*) of less than seven inches in breadth measured straight across the back from point to point, or any female crab (*Cancer magister*), or who between the first day of August and the fifteenth day of November of the same year, both dates inclusive, takes, catches, kills, has in possession, buys, sells, or offers for sale any crab

Protection
of
shrimp.

Lobster.

Catfish.

Sturgeon.

Crab.

(Cancer magister), shall be guilty of a misdemeanor. Every person who, between the first day of February and the thirtieth day of April of the same year, both dates inclusive, takes, catches or kills any abalone (*Haliotis*), or who, at any time, takes, catches or kills any red abalone (*Haliotis rufescens*) less than nineteen inches around the outer edge of the shell or any green abalone (*Haliotis fulgens*) less than eighteen inches around the outer edge of the shell, or any pink abalone (*Haliotis corrugata*) less than sixteen inches around the outer edge of the shell, or any black abalone (*Haliotis crackerodie*) less than fourteen inches around the outer edge of the shell, or who by any means whatsoever, takes, or catches any abalone (*Haliotis*) and does not bring the same, naturally attached to the shell and alive, to the shore above high-water mark, or who takes, catches, or kills any abalone (*Haliotis*) for other than food purposes, or who at any time offers for shipment, or ships, or receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country any abalone meat, fresh or dried; or abalone shells, excepting articles manufactured from abalone shells; or who takes, catches, or kills any abalone (*Haliotis*) by the use of a spear or spears, shall be guilty of a misdemeanor. Every person who, in fish and game district six of this state, uses or assists in using any diving apparatus of any character for the taking or catching of any abalone (*Haliotis*), or who takes, catches, or kills any black abalone (*Haliotis crackerodie*), or who takes, catches or kills during any one calendar day more than ten (10) abalone (*Haliotis*) shall be guilty of a misdemeanor. None of the provisions of this act shall apply to lobster (crawfish) or abalone (*Haliotis*) caught or taken without the waters of this state, and bearing after inspection such evidence of having been so caught or taken as may be hereafter prescribed by the fish and game commission; *and be it provided*, that all the expense of such inspection shall be borne by the importer of such lobster (crawfish) or abalone (*Haliotis*); *and be it provided, further*, that all lobster (crawfish) or abalone (*Haliotis*) imported into this state shall be of the size prescribed in this section.

Use of
diving
apparatus
prohibited.

CHAPTER 582.

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

[Approved June 16, 1913. In effect August 10, 1913.]

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

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

628b. Every person who between the first day of January

Protection
of black
bass.

and the first day of June of each year, buys, sells, offers for sale, takes, catches, kills, or has in his possession any black bass; or who at any time, except with hook and line and in the manner commonly known as angling, takes, catches, kills any black bass; or who takes, catches, kills, or has in his possession more than twenty-five black bass during any one calendar day; or who takes, catches, kills, or has in his possession any black bass of less than seven inches in length is guilty of a misdemeanor; *provided*, that in game district number two every person who between the first day of April and the first day of July of each year, buys, sells, offers for sale, takes, catches, kills, or has in his possession any black bass; or who at any time, except with hook and line and in the manner commonly known as angling, takes, catches, kills any black bass; or who takes, catches, kills, or has in his possession more than twenty-five black bass during any one calendar day; or who takes, catches, kills, or has in his possession any black bass of less than seven inches in length is guilty of a misdemeanor; *provided, further*, that in game district number three every person who between the first day of January and the first day of May of each year, buys, sells, offers for sale, takes, catches, kills, or has in his possession any black bass; or who at any time except with hook and line and in the manner commonly known as angling, takes, catches, kills any black bass, Sacramento perch, crappie, blue-gill sunfish or green sunfish; or who takes, catches, kills, or has in his possession more than twenty-five black bass during any one calendar day; or who takes, catches, kills, or has in his possession, any black bass of less than seven inches in length; or who sells or offers for sale any Sacramento perch, crappie, blue-gill sunfish or green sunfish is guilty of a misdemeanor; *provided, further*, that in game district number four every person who between the thirtieth day of November and the first day of May of each year, buys, sells, offers for sale, takes, catches, kills, or has in his possession any black bass, Sacramento perch, crappie or blue-gill sunfish; or who at any time except with hook and line and in the manner commonly known as angling, takes, catches, kills any black bass, Sacramento perch, crappie or blue-gill sunfish; or who takes, catches, kills, or has in his possession more than twenty-five black bass, Sacramento perch, crappie or blue-gill sunfish during any one calendar day; or who takes, catches, kills, or has in his possession, any black bass of less than seven inches in length is guilty of a misdemeanor.

Game
district
No. 2.

Game
district
No. 3.

Perch,
sunfish,
etc.

Game
district
No. 4.

CHAPTER 583.

An act to add a new section to the Penal Code of the State of California, under title sixteen thereof to be numbered 681, prohibiting the use of cruel and unusual punishments in state prisons and reformatory institutions.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California, under title sixteen thereof, to be numbered 681, to read as follows:

Cruel
punish-
ment in
prisons
prohibited.

Section 681. It shall be unlawful to use in the prisons or reformatory institutions of this state any cruel or unusual punishments; and punishment by the use of the straight-jacket, gag, thumbscrew, shower bath, or the tricing-up of prisoners is hereby prohibited.

CHAPTER 584.

An act to add a new section to the Penal Code of the State of California, to be numbered six hundred fifty a, relating to exposure or threats of exposure of paroled or discharged prisoners.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be numbered 650a, and to read as follows:

Exposure
of paroled
prisoners
prohibited.

650a. Any person who knowingly and wilfully communicates to another, either orally or in writing, any statement concerning any person then or theretofore convicted of a felony, and then either on parole or finally discharged, and which communication is made with the purpose and intent to deprive said person so convicted of employment, or to prevent him from procuring the same, or with the purpose and intent to extort from him any money or article of value; and any person who threatens to make any said communication with the purpose and intent to extort money or any article of value from said person so convicted of a felony, is guilty of misdemeanor.

CHAPTER 585.

An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the state, and providing for prosecution of and punishment for offenses under the same.

[Approved June 19, 1918. In effect August 10, 1918.]

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

SECTION 1. It shall be the duty of the state board of prison directors annually not later than the thirty-first day of January, of each year, to fix the price and to give public notice of the same, at which jute goods shall be sold by the state. And it shall be the duty of the said board of prison directors, and they are hereby authorized to adopt a trade-mark and file with the secretary of state their claim for the same, and procure a certificate thereof, under the provisions of article III, chapter VII, title VII, of the Political Code of the State of California; and it shall be the duty of the board of prison directors to print, stencil or stamp on each and every bag manufactured by the state, said trade-mark.

Fixing
price of
jute
goods.

Trade-
mark.

SEC. 2. The state board of prison directors shall prescribe the rules and conditions on which the said goods shall be sold, and until the fifteenth day of May of each year shall sell the same only to consumers of bags, but no order before said date for any one consumer shall be valid for more than ten thousand grain bags. If any bags remain unsold after the fifteenth day of May each year, the state board of prison directors may sell the same, at the price already fixed by the state board of prison directors to consumers and in such quantities and under such rules and upon such conditions as they may deem best for the interest of the state, up to the fifteenth day of October of each year. It shall be an express condition of each and every sale made by the state board of prison directors, to which the purchaser shall agree in writing that he will under no circumstances sell or offer for sale any such goods or bags at a greater price than that fixed as in this act provided. Any person or persons, company or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than two hundred and fifty dollars and not more than one thousand dollars; or shall be imprisoned in the county jail not less than ninety days nor more than one year.

Rules
governing
sales.

SEC. 3. All orders for jute goods filed with the board of prison directors prior to the fifteenth day of May of each year, must be accompanied by an affidavit setting forth the name, residence, post-office address and occupation of the applicant; that the amount of goods contained in the order is for the applicant's individual and personal use, and that he has not contracted for or agreed to contract for the sale of any portion thereof to any person or persons whatsoever. Said affidavit to be subscribed and sworn to before a notary

Orders
for goods.

public, or justice of the peace residing in the township in which the applicant resides; *provided*, that any applicant who shall falsely and fraudulently procure jute bags under the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than two hundred dollars.

Record
of goods
manu-
factured
and sold.

SEC. 4. It shall be the duty of the board of prison directors to keep a book for public inspection in which shall be entered the total number of jute bags or jute goods manufactured each year; and also the name of each purchaser, his post-office address, his business occupation, the number of jute bags or jute goods by him purchased, and the price paid therefor, the date of sale and shipment, and the part or place to which the shipment is made.

Repealed.

SEC. 5. The act entitled "An act authorizing the state board of prison directors to fix the price, terms and conditions of sale at which jute bags should be sold for the state, providing for the prosecution and punishment for offenses under the same," approved March 10, 1909, and all other acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 586.

An act to regulate the use of water which is subject to such control by the State of California, and in that behalf creating a state water commission; specifying and providing for the appointment of the members of said commission; fixing the terms of office and compensation of the members of said commission; fixing the powers, duties and authority of said commission and its members; providing for the filling of vacancies in the membership of said commission; providing for the removal from office of the appointed members of said commission; providing for the co-operation of courts with said commission; providing that certain courts shall take judicial notice of certain acts of the state water commission; specifying the duties of all persons summoned as witnesses before said commission or any of its members; appropriating money for carrying out the provisions of this act; providing for the payment of the indebtedness and expenses of said commission, its members and employees: declaring what water is unappropriated; providing for the utilization of water and the works necessary to such utilization to the full capacity of streams or of such portion or portions of such capacity as the public good may require; declaring what water may be appropriated; declaring that the non-application for ten consecutive years of any portion of the waters of any stream to lands riparian to such stream shall be conclusive presumption that the use of such non-applied water is not needed on said riparian lands for a useful or beneficial

purpose; declaring that such non-applied water shall be deemed to be in the use of the state and subject to appropriation; declaring the duties of those who desire to appropriate water; declaring the periods for which water may be appropriated and the conditions under which water may be appropriated; providing for the payment of fees and charges by the applicants for permission to appropriate water and by the appropriators of water; providing for the ascertainment and adjudication of water rights; providing for the bringing of actions by certain persons, or, upon the direction of the state water commission, by the attorney general, for the quieting of title to water rights; specifying certain duties of the claimants, possessors or users of water or water rights; declaring water rights forfeited under certain conditions; regulating the appropriation of water; excepting cities, cities and counties, municipal water districts, irrigation districts and lighting districts from certain provisions of this act; defining certain words and terms used in this act; repealing all acts or parts of acts in conflict with this act; declaring how this act shall be known; making legislative declaration concerning those parts of this act which may not be declared unconstitutional.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. For the purpose of carrying out the provisions of this act a state water commission consisting of five persons is hereby created and established. Two members of said commission shall be, ex officio, the governor of the state and the state engineer, respectively. Three members of said commission shall be appointed by the governor for the term of four years; *provided, however*, that of the members first appointed one shall be appointed to hold office until the first day in January, nineteen hundred and fourteen, one until the first day in January, nineteen hundred and fifteen, and one until the first day in January, nineteen hundred and sixteen. Such appointive commissioners shall be men of practical knowledge or experience in the application and use of waters for irrigation, mining and municipal purposes, and shall be so appointed that at least one thereof shall have had practical knowledge and experience in the use of water for agricultural purposes, and one thereof shall have had practical knowledge and experience in the use of water for mining purposes, and one thereof shall have had practical knowledge and experience in the use of water for municipal purposes. The commissioners shall elect one of their number president of the commission. The appointed members of said commission shall each receive as compensation for his services the sum of five thousand dollars per annum. No commissioner who is directly or indirectly interested in any matter before the com-

Water
commission
created.

Qualifi-
cations.

Salary.

mission shall sit with the commission during the hearing of such matter; nor shall he be detailed by the commission to investigate or report on any such matter; nor shall he take part in any determination of any such matter. But the governor shall have the power and authority, upon request of the commission, to appoint *pro tempore* some disinterested person to sit and act in the place and stead of such interested commissioner. Such *pro tempore* commissioner shall have compensation for the time of service equal to the compensation of a commissioner during such service and shall have the power and authority of the same, only in the matter for the investigation and determination of which he shall have been appointed and his connection with the commission shall cease and determine upon the completion of the investigation and determination for which he was appointed. But the commissioner in whose place and stead he sits shall have power, compensation and authority in all other cases.

Pro tempore
commissioners.

Vacancies.

SEC. 2. Whenever a vacancy in the state water commission shall occur, the governor shall forthwith appoint a qualified person to fill the same for the unexpired term. The legislature, by a two-thirds vote of all members elected to each house, or the governor, may remove any one or more of the appointed commissioners from office. The commission shall have a seal bearing the following inscription: State Water Commission of California. The seal shall be affixed to all authentications of copies of records and to such other instruments as the commission may direct. All courts shall take judicial notice of said seal.

Seal.

Quorum.

SEC. 3. A majority of the appointed commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners present, when in session as a board, shall be deemed to be the act of the commission; but any investigations, inquiry or hearing which the commission has power to undertake or hold may be undertaken or held by or before any commissioner or commissioner designated for the purpose by the commission; and every finding, order, ascertainment or decision made by the commissioners or the commissioner so designated pursuant to such investigation, inquiry or hearing, when approved by the commission and ordered filed in its office, shall be and be deemed to be the finding, order, ascertainment or decision of the commission.

Powers.

SEC. 4. (a) Each commissioner shall have power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, books, maps, accounts, documents and testimony in any inquiry, investigation, hearing, ascertainment or proceeding ordered or undertaken by the commission in any part of the state. Each witness who shall appear by order of the com-

Witness'
fees.

mission or any commissioners or a commissioner shall receive for his attendance the same fees and mileage allowed by law to witnesses in civil cases, which amount shall be paid by the party at whose request such witness is subpoenaed. When any witness who has not been required to attend at the request of any party shall be subpoenaed by the commission his fees and mileage shall be paid from the funds appropriated for the use of the commission in the same manner as other expenses of the commission are paid. Any witness subpoenaed, except one whose fees and mileage may be paid from the funds of the commission, may, at the time of service, demand the fee to which he is entitled for travel to and from the place at which he is required to appear and one day's attendance. If such witness demands such fees at the time of service, and they are not at that time paid or tendered, he shall not be required to attend before the commission or commissioners as directed in the subpoena. All fees and mileage to which any witness is entitled under the provisions of this section may be collected by action therefor instituted by the person to whom such fees are payable. But no witness shall be compelled to attend as a witness before the water commission or any water commissioner or water commissioners out of the county in which he resides, unless the distance be less than thirty miles from his place of residence to the place of hearing.

(b) The superior court of the county or city and county in which any inquiry, investigation, hearing or proceedings may be held by the commission or any commissioner or commissioners shall have the power to compel the attendance of witnesses and the production of papers, maps, books, accounts, documents and testimony as required by any subpoena issued by the commission or any commissioner or commissioners. The commission, commissioners or commissioner before whom the testimony is to be given or produced may, in case of the refusal of any witness to attend or testify or produce any papers, maps, books, accounts or documents required by such subpoena, report to the superior court in and for the county or city and county in which the proceeding is pending by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or for the production of said papers, maps, books, accounts or documents and that the witness has been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend or produce the papers, maps, books, accounts or documents required by the subpoena before the commission, commissioners, or commissioner in the cause or proceeding named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such cause or proceeding, and ask an order of said court, compelling the witness to attend, testify, and produce said papers, maps, books, accounts or documents before the commission, or commissioners, or commissioner. The court, upon the petition of the commission or commissioners or commissioner, shall enter an order directing the

Superior
court
may
compel
attendance
of wit-
nesses, etc.

witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause, if any he have, why he refused to obey said subpoena. or refused to answer questions propounded to him by said commission, or any commissioners or any commissioner, or neglected, failed or refused to produce before said commission, or any commissioners or any commissioner the books, papers, maps, accounts or documents called for in said subpoena. A copy of said order and the petition therefor shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission or any commissioners or a commissioner, the court shall thereupon enter an order that said witness appear before the commission or commissioners or commissioner at the time and place fixed in said order, and testify or produce the required papers, maps, books, accounts or documents, or both testify and produce; and upon failure to obey said order said witness shall be dealt with as for contempt of court.

Depositions.

(c) The state water commission or any commissioners or commissioner, or any party to a proceeding before the commission or any commissioners or any commissioner, may in any investigation or hearing before the commission or any commissioners or any commissioner cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for depositions in civil actions in the superior courts of this state.

Witness may not refuse to testify.

(d) No person shall be excused from testifying or from producing any book, map, document, paper or account in any investigation or inquiry by or hearing before the commission or any commissioners or commissioner upon the ground that the testimony or evidence, book, map, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture. But no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing material to the matter under investigation by said commission, or any commissioners, or any commissioner concerning which he shall have been compelled to testify or to produce documentary evidence; *provided*, that no person so testifying or producing shall be exempt from prosecution and punishment for any perjury committed by him in his testimony.

Record of business.

SEC. 5. A full and accurate record of business or acts performed or of testimony taken by the commission or any member or members thereof in pursuance of the provisions of this act shall be kept and be placed on file in the office of said water commission.

Fees.

SEC. 6. The state water commission shall take, charge and collect the following fees: for copies and records not required to be certified or otherwise authenticated by the commission, ten cents for each folio; for certified copies of official documents and orders filed in its office, fifteen cents for each folio,

and one dollar for every certificate under seal affixed thereto; for certified copies of evidence and proceedings before the commission, fifteen cents for each folio. The commission may fix reasonable charges for publications issued under its authority. All fees charged and collected under this section shall be paid, at least once each week, accompanied by a detailed statement thereof, into the treasury of the state.

SEC. 7. For the purpose of carrying out the provisions of this act the state water commission is authorized to pass such necessary rules and regulations as it may from time to time deem advisable, and to appoint and remove at its pleasure a secretary who shall have charge of its books and records and perform such other duties as from time to time may be prescribed and whose salary shall be fixed by the water commission; and the state water commission may also employ such expert, technical and clerical assistance, and upon such terms, as it may deem proper.

SEC. 8. For the purpose of carrying out the provisions of this act the sum of fifty thousand dollars is hereby appropriated for the fiscal years 1913-1914 and 1914-1915 out of any money in the state treasury not otherwise appropriated; and the state controller is hereby authorized and directed to draw warrants upon such sum from time to time upon the requisition of the state water commission approved by the state board of control, and the state treasurer is hereby authorized and directed to pay such warrants.

SEC. 9. All indebtedness incurred for salaries, and all necessary costs in traveling and other expenses of said commission, and each of its members and persons employed by it, while actually engaged in the business of said commission, shall be paid by the state out of the funds hereby appropriated, upon the sworn statement of the person or persons incurring such indebtedness, and upon the requisition of the state water commission, approved by the state board of control, and the state controller is hereby authorized to draw warrants upon the state treasurer for said indebtedness, salaries, costs and expenses, as provided by law for the payment of similar costs and expenses and the drawing of similar warrants.

SEC. 10. The state water commission is hereby authorized and empowered to investigate for the purpose of this act all streams, stream systems, portions of stream systems, lakes, or other bodies of water, and to take testimony in regard to the rights to water or the use of water thereon or therein, and to ascertain whether or not such water, or any portion thereof, or the use of said water or any portion thereof, heretofore filed upon or attempted to be appropriated by any person, firm, association, or corporation, is appropriated under the laws of this state.

SEC. 11. All water or the use of water which has never been appropriated, or which has been heretofore appropriated and which has not been in process, from the date of the initial act of appropriation, of being put, with due diligence in pro-

portion to the magnitude of the work necessary properly to utilize for the purpose of such appropriation such water or the use of water, or which has not been put, or which has ceased to be put to some useful or beneficial purpose, or which may hereafter be appropriated and cease to be put, to the useful or beneficial purpose for which it was appropriated, or which in the future may be appropriated and not be, in the process of being put, from the date of the initial act of appropriation, to the useful or beneficial purpose for which it was appropriated, with due diligence in proportion to the magnitude of the work necessary properly to utilize for the purpose of such appropriation such water or the use of water, is hereby declared to be unappropriated. And all waters flowing in any river, stream, canyon, ravine, or other natural channel, excepting so far as such waters have been or are being applied to useful and beneficial purpose upon, or in so far as such waters are or may be reasonably needed for useful, and beneficial purposes upon lands riparian thereto, or otherwise appropriated, is and are hereby declared to be public waters of the State of California and subject to appropriation in accordance with the provisions of this act. If any portion of the waters of any stream shall not be put to a useful or beneficial purpose to or upon lands riparian to such stream for any continuous period of ten consecutive years after the passage of this act, such non-application shall be deemed to be conclusive presumption that the use of such portions of the waters of such stream is not needed upon said riparian lands for any useful or beneficial purpose; and such portion of the waters of any stream so non-applied, unless otherwise appropriated for a useful and beneficial purpose is hereby declared to be in the use of the state and subject to appropriation in accordance with the provisions of this act. In any case where a reservoir or reservoirs have been or shall hereafter under the provisions of this act be constructed or surveyed, laid out and proposed to be constructed for the storage of water for a system, which water is to be used at one or more points under appropriations of water heretofore or hereafter made, which appropriations and rights thereunder are now, or shall hereafter be held and owned by the person or corporation owning such reservoir site or sites and constructing such reservoir or reservoirs, such reservoir or reservoirs and appropriations and rights shall, in the discretion of the state water commission, constitute a single enterprise and unit, and work of constructing such reservoir or reservoirs, or any of them, or work on any one of such appropriations shall, in the discretion of said commission, be sufficient to maintain and preserve all such applications for appropriations and rights thereunder.

Public
waters

Reservoirs
may
constitute
single
system.

Time
within
which
water
must be
applied.

SEC. 12. The state water commission shall have authority to, and may, for good cause shown, upon the application of any appropriator or user of water under an appropriation made and maintained according to law prior to the passage

of this act, prescribe the time within which the full amount of the water appropriated shall be applied to a useful or beneficial purpose; *provided*, that said appropriator or user shall have proceeded, with due diligence in proportion to the magnitude of the project, to carry on the work necessary to put the water to a beneficial use; and in determining said time said commission shall grant a reasonable time after the construction of the works or canal or ditch or conduits or storage system used for the diversion, conveyance or storage of water; and in doing so said commission shall also take into consideration the cost of the application of such water to the useful or beneficial purpose, the good faith of the appropriator, the market for water or power to be supplied, the present demand therefor, and the income or use that may be required to provide fair and reasonable returns upon the investment and any other facts or matters pertinent to the inquiry. Upon prescribing such time the state water commission shall issue a certificate showing its determination of the matter. For good cause shown, the state water commission may extend the time by granting further certificates. And, for the time so prescribed or extended, the said appropriator or user shall be deemed to be putting said water to a beneficial use.

And if at any time it shall appear to the state water commission, after a hearing of the parties interested and an investigation, that the full capacity of the works built or constructed, or being built or constructed, under an appropriation of water or the use thereof made under the provisions of this act has not developed or cannot develop the full capacity of the stream at the point where said works have been or are being built or constructed, and that the holder of the said appropriation will not or cannot, within a period deemed to be reasonable by the commission, develop the said stream at said point to such a capacity as the commission deems to be required by the public good, then and in that case the said commission, in its discretion, may permit the joint occupancy and use, with the holder of the appropriation, to the extent necessary to develop the stream to its full capacity or to such portion of said capacity as may appear to the state water commission to be advisable, by any and all persons, firms, associations, or corporations applying therefor, of any dam, tunnel, diversion works, ditch, or other works or constructions already built or constructed or in process of being built or constructed under this act; *provided*, that said commission shall take into consideration the reasonable cost of the original and new work, the good faith of the applicant, the market for water or power to be supplied by the original and the new work, and the income or use that may be required to provide fair and reasonable returns upon such cost; *provided, further*, that the applicant or applicants shall be required to pay to the party or parties owning said dam, tunnel, diversion works, ditch, or other works or constructions a pro rata portion of the total cost of the old and the new works, said pro rata por-

Joint use of water when original user is unable to develop full capacity

Applicant to pay pro rata portion of cost.

tion to be based upon the proportion of the water used by the original and the subsequent users of said dam, tunnel, diversion works, ditch, or other works or constructions, if the water is used or to be used for irrigation or domestic purposes; or, if the water is used or to be used for the generation of electricity, or electrical or other power, the said pro rata portion shall be based upon the relative amount of electricity or electrical or other power capable of being developed by the original and the new works; or, if a portion of the water utilized under a joint occupancy of any dam, tunnel, diversion works, ditch, or other works or construction, shall be used for the purpose of irrigation and another portion of said water shall be used for the generation of electricity or electrical or other power, then and in that case the applicant or applicants for joint occupancy shall be required to pay to the party or parties owning said dam, tunnel, diversion works, ditch, or other works or constructions a pro rata portion of the total cost of the old and new works, said pro rata portion to be based upon the proportion of the relative amount of water used by each joint occupant and the income derived by each said joint occupant from said joint occupancy; or, if any of the waters used under such joint occupancy shall be utilized for purposes other than those specified above, then and in that case the applicant or applicants for such joint occupancy shall be required to pay to the party or parties owning said dam, tunnel, diversion works, ditch, or other works or constructions, such a pro rata portion of the total cost of the old and new works as shall appear to the state water commission to be just and equitable. Said applicant or applicants shall also be required to pay a proper pro rata share, based as above, of the cost of maintaining said dam, tunnel, diversion works, ditch or other works or constructions, on and after beginning the occupancy and use thereof. Furthermore, the state water commission if it appears to the said commission that the full capacity of the works built or constructed, or being built or constructed, under an appropriation of water or the use thereof under this act, will not develop the full capacity of the stream at that point, and it appears to the commission that the public good requires it, and the commission specifically so finds after investigation and hearing of the parties interested, may permit any person, firm, association or corporation to repair, improve, add to, supplement, or enlarge, at his or its proper cost, charge and expense, any dam, tunnel, diversion works, ditch, or other works or constructions already built or constructed or in process of being built or constructed under the provisions of this act, and to use the same jointly with the owners thereof; *provided*, that the said repairing, improving, adding to, supplementing, or enlarging, shall not materially interfere with the proper use thereof by the owner of said dam, tunnel, diversion works, ditch, or other works or constructions or shall not materially injure said dam, tunnel, diversion works, ditch or other works

Pro rata
cost of
mainte-
nance.

Commis-
sion may
allow any
person to
add to
dams, etc.

or constructions. And the state water commission shall determine the pro rata and other costs provided for in this section.

SEC. 13. All rights granted or declared by this act shall be ascertained, adjudicated and determined in the manner and by the tribunals as provided in this act. Adjudication of rights

SEC. 14. This act shall not be held to bestow, except as expressly provided in this act, upon any person, firm, association or corporation, any right where no such right existed prior to the time this act takes effect. Rights bestowed

SEC. 15. The state water commission shall allow, under the provisions of this act, the appropriation of unappropriated water or of the use thereof, or of water or of the use thereof which may hereafter cease to be appropriated, or which may hereafter be declared to be unappropriated, or which, having been used under claim of riparian proprietorship or appropriation finds its way back into a stream, lake or other body of water and also such water as is declared under section eleven of this act to be subject to appropriation. Use of unappropriated water.

SEC. 16. Every application for a permit to appropriate water shall set forth the name and post-office address of the applicant, the source of water supply, the nature and amount of the proposed use, the location and description of the proposed headworks, ditch, canal and other works; the proposed place of diversion and the place where it is intended to use the water; the time within which it is proposed to begin construction, the time required for completion of the construction, and the time for the complete application of the water to the proposed use. If for agricultural purposes, the application shall, besides the above general requirements, give the legal subdivisions of the land and the acreage to be irrigated, as near as may be; if for power purposes, it shall give, besides the general requirements prescribed above, the nature of the works by means of which the power is to be developed, the head and amount of water to be utilized, and the use to which the power is to be applied; if for storage in a reservoir, it shall give, in addition to the general requirements prescribed above, the height of dam, the capacity of the reservoir, and the use to be made of the impounded waters; if for municipal water supply, it shall give, besides the general requirements specified above, the present population to be served, and, as near as may be, the future requirements of the city; if for mining purposes, it shall give, in addition to the general requirements prescribed above, the nature and location of the mines to be served and the methods of supplying and utilizing the water. All applications shall be accompanied by as many copies of such maps, drawings, and other data as may be prescribed or required by the state water commission, and such maps, drawings, and other data shall be considered as part of the application. If any permittee or licensee, or the heirs, successors, or assigns of any permittee or licensee, desire to change the point of diversion from the point of diversion specified in the original application, or after the granting of any permit or license, such change Application for permit.

Maps

Change of point of diversion.

or changes may be made only upon the permission of the state water commission; *provided*, that, before granting such permission, such applicant must establish, to the satisfaction of the state water commission, and such commission must so find, that such change in the place of diversion will not operate to the injury of any other appropriator or legal user of such waters before permitting such change in the place of the diversion. Upon receipt of application for permission to make such change in the place of diversion, the commission shall, by order, fix a time within which any person interested may appear in opposition to such application, and such applicant shall, if the commission so require, cause to be published at least once a week for four consecutive weeks, in a newspaper or newspapers of general circulation in the county in which is situated both the old and new points of diversion, a copy of said order. Proof of such publication shall be by affidavit of the publisher of such newspaper. Should any objection be made to the change in point of diversion so applied for, the state water commission shall fix a time for the hearing of said application and of the objections thereto, which time shall be not less than thirty days nor more than sixty days after the period of said publication, and upon such hearing the said commission shall grant or refuse, as the facts shall warrant, such permission to change place of diversion.

Permit.

SEC. 17. Any person, firm, association or corporation may apply for and secure from the state water commission, in conformity with this act and in conformity with reasonable rules and regulations adopted from time to time by the state water commission, a permit for any unappropriated water or for water which having been appropriated or used flows back into a stream, lake or other body of water within this state. And any application so made shall give to the applicant a priority of right as of the date of said application to such water or the use thereof until such application shall have been approved or rejected by said commission; *provided*, that such priority shall continue only so long as the provisions of law and the rules and regulations of the water commission shall be followed by the applicant. Upon the approval of any application by the commission, said approval shall give priority of right as of the date of said application, and shall give the right to take and use the amount of water specified in said approval until the issuance by the state water commission of a license for the use of said amount of water, or until the said commission refuses to issue said license. But the approval of any application shall give the right to take and use water only to the extent and for the purpose allowed in said approval; *provided*, that any defective application made in a bona fide attempt to conform to the rules and regulations of the state water commission and to the law shall secure to the applicant a priority of right as of the date of said application until he shall have been notified by said commission in what respect his application is defective.

Priority
of right.

Amended
applica-
tion.

And said applicant shall be allowed sixty days after notice of said defect in which to file an amended and perfected application. If, within said sixty days, said applicant shall not file an amended and perfected application, said priority of right shall cease and determine, unless for good cause shown the state water commission shall allow said applicant to file a further amended and perfected application; *provided, also*, that any priority of right secured under this section shall not be effective for more than thirty days after service of notice of such approval, personally or by registered mail, on the applicant, unless within said period of thirty days a true copy of said approval upon which such priority is based shall have been filed in the office of the recorder of the county or city and county in which the water is to be diverted, and, within ten days thereafter, a certificate of such filing by the county recorder is also filed with the state water commission.

SEC. 18. Actual construction work upon any project shall begin within such time after the date of the approval of the application as shall be specified in said approval, which time shall not be less than sixty days from date of said approval, and the construction of the work thereafter shall be prosecuted with due diligence in accordance with this act, the terms of the approved application, and the rules and regulations of said commission; and said work shall be completed in accordance with law, the rules and regulations of the state water commission, and the terms of the approved application and within a period specified in the permit; but the period of completion specified in the permit may, for good cause shown, be extended by the state water commission. And if such work be not so commenced, prosecuted and completed, the water commission shall, after notice in writing and mailed in a sealed, postage-prepaid and registered letter addressed to the applicant at the address given in his application for a permit to appropriate water, and a hearing before the commission, revoke its approval of the application. But any applicant, the approval of whose application shall have been thus revoked, shall have the right to bring an action in the superior court of the county in which is situated the point of proposed diversion of the water for a review of the order of the commission revoking said approval of the application. And thirty days after the revocation of said permit all rights of the said permittee under said permit shall cease and lapse, unless said permittee shall within said thirty days after said revocation bring an action in the superior court for a review of the order of revocation. The priority of right of any permittee so bringing an action shall continue under said permit until a final judgment is rendered as to the reasonableness of the revocation of said permit. But until and unless the revocation of the permit shall be finally decreed by such court, the permittee shall not take or use any of the water the right to take and use which is granted by said permit.

Beginning of construction work.

Revocation of permit

Review of order

Report on completion of works.

SEC. 19. Immediately upon completion, in accordance with

law, the rules and regulations of the state water commission, and the terms of the permit, of the project under such application, the holder of a permit for the right to appropriate water shall report said completion to the state water commission. The said commission shall immediately thereafter cause to be made a full inspection and examination of the works constructed and shall determine whether the construction of said works is in conformity with law, the terms of the approved application, the rules and regulations of the state water commission, and the permit. The said water commission shall, if said determination is favorable to the applicant, issue a license which shall give the right to the diversion of such an amount of water and to the use thereof as may be necessary to fulfill the purpose of the approved application. Said license shall be in such form as may be prescribed by the state water commission under the provisions of this act. But if the said commission shall find, upon inspection and examination of the works constructed, that the construction and condition of said works are not in conformity with the law, the rules and regulations of the state water commission, the terms of the approved application and the terms of the permit, then and in that case the said commission may, after due notice in writing and in the manner provided in sections one thousand and eleven, one thousand and twelve, and one thousand and thirteen of the Code of Civil Procedure to the applicant or the holder of the permit, and a public hearing thereon, refuse to issue said license. And thirty days after the refusal of said commission to issue said license all rights of the applicant and the holder of the permit under said application and permit shall lapse and cease. But the holder of any permit to whom the said water commission may have refused to issue said license, shall have the right to bring an action within thirty days after the said refusal, in the superior court to review said order and to obtain a decree requiring the issuance of such license. And the rights of the holder of any permit so bringing an action shall continue under said permit until the decree in such action has been entered and become final. But until the refusal of the commission to issue said license shall be finally determined by the courts, the permittee shall not take or use any of the water, the taking and using of which is granted to him by said permit. And if the holder of any permit which has been revoked by the state water commission shall not bring an action within said thirty days in the superior court to determine the validity of said revocation, then and in that case all rights of the applicant and of the holder of said permit shall lapse and cease.

License
to take
water.

May
refuse
license.

Terms and
conditions
of permits
and
licenses.

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or

license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property cannot agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs,

city, etc., may purchase works.

Determination of price.

Grounds for revoking license.

Value of license.

successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes, and providing further that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; *and providing further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; *and provided, further*, that when such municipality shall desire to use the additional water granted in its said application it may so do upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Cities
first in
right.

City may
become
public
utility.

Right to
acquire by
eminent
domain
proceed-
ings.

SEC. 21. Nothing herein contained shall be construed to deprive the state or any city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state, or any person, company or corporation of any rights which, under the law of this state they may have, to acquire property by or through eminent domain proceedings.

Right to
impose
fees.

SEC. 22. Licenses hereafter granted for water or use of water shall be subject to the right of the state to impose the fees and charges provided in this act.

SEC. 23. Every person, firm, association or corporation making application for a permit to appropriate water or the use of water under this act shall pay to the state water commission, at the time of filing said application, if the purpose or use is for the generation of electricity, or electrical or other power, a fee of two dollars and fifty cents for each theoretical horsepower capable of being developed by the works up to one hundred theoretical horsepower, with a minimum fee of twenty-five dollars, and above said one hundred theoretical horsepower the fee shall be five hundred dollars up to and including ten thousand theoretical horsepower, and one thousand dollars above ten thousand theoretical horsepower capable of being so developed or a fee of ten dollars if the purpose be other than for the generation of electricity, or electrical or other power. Every person, firm, association or corporation at the time of receiving a license to appropriate water or the use of water, if the purpose be for the generation of electricity, or electrical or other power, shall pay to said commission when the said license is issued, and annually thereafter, a charge of twenty-five cents for each theoretical horsepower capable of being developed by the proposed works. If the purpose of use is for other than the generation of electricity, or electrical or other power, every person, firm, association or corporation receiving a license to appropriate water shall pay to the said commission when said license is issued, and annually thereafter, a charge of ten cents per miner's inch for each miner's inch specified in the license, and for the purpose of this act forty miner's inches shall be equivalent to one cubic foot per second; *provided, however,* that no annual charge shall be made when the appropriation is made for use for irrigation purposes upon lands, not exceeding one hundred and sixty acres in area, to be actually occupied by such appropriator and cultivated in whole or in part by him, or when said water is used for mining purposes, and the amount of water so used for such mining purposes does not exceed five hundred miner's inches, or when the water is used for the generation of power when the same does not exceed fifty-horsepower and is for the private use of the appropriator. And all such fees and charges shall forthwith be paid into the state treasury by the state water commission, and the fee and annual charges provided in this section shall be subject to change by law at not less than ten-year intervals, beginning with the date of the license issued by the state water commission.

Fees.
For electrical power.

Annual fee.

No charge for irrigation, etc.

SEC. 24. Upon its own initiative or upon petition signed by one or more claimants to water or the use of water upon any stream, stream system, lake, or other body of water, requesting the ascertainment of the relative rights of the various claimants to the water or the use of water of that stream, stream system, lake or other body of water, it shall be the duty of the state water commission, if, upon investigation it finds the facts and conditions are such as to justify, to make an

Ascertainment of rights of conflicting claimants.

Courts may transfer cases to commission.

ascertainment of the said rights, fixing a time for the beginning of the taking of testimony and the making of such investigation as will enable it to ascertain the rights of the various claimants. In case suit is brought in the superior court for determination of rights to water or the use of water, the case may, in the discretion of the court, be transferred to the state water commission for investigation, as referee. In any case wherein the water commission shall proceed to investigate or ascertain water rights the said commission shall notify in writing in the manner provided in sections one thousand and eleven, one thousand and twelve and one thousand and thirteen of the Code of Civil Procedure all persons, firms, associations or corporations claiming or possessing any water rights which are to be the subject of ascertainment by the said commission.

Notice that testimony is open to public inspection.

SEC. 25. Upon the completion of the taking of testimony and evidence by the state water commission, the said commission shall immediately give notice by registered mail to the various claimants or possessors of water rights that, at a date and place named in the said notices, which date shall not be less than fifteen days nor more than thirty days later than the date of said notice, all of said testimony and evidence will be open to public inspection. And said testimony and evidence shall be held open to public inspection at said places for a specified period of not less than thirty days nor more than ninety days, and thereafter the said commission shall cause its findings and ascertainment of the rights of the respective claimants to said water to be made and filed in the superior court in each of the counties where said water is appropriated.

Contests of right to water.

SEC. 26. If any person, firm, association or corporation claiming or possessing any interest in or right to the waters of any stream, stream system, lake or other body of water involved in any investigation or ascertainment by the state water commission of the rights to the water of said stream, stream system, lake or other body of water, desires to contest any of the interests in or rights to any of the said waters of any other person, firm, association or corporation such person, firm, association or corporation desiring so to contest shall, within ten days after the expiration of the period for public inspection prescribed in section twenty-five of this act, notify, in writing, the state water commission of said desire so to contest. Said notice shall state the ground of contest, which shall be verified by the oath of the contestant, his agent or attorney. Within ten days of the receipt of the notice of contest the state water commission shall notify the contestant and the person, firm, association or corporation whose rights are contested to appear before it at a time and place specified in said notice, and that at said time and place said contest will be heard; *provided*, that said time shall not be less than thirty days nor more than sixty days from the date of the service of the notice of the commission; *provided*, *further*, that if any person, firm, association or corporation

desires to contest any such ascertainment by the state water commission as hereinbefore provided, such contest may be brought as provided in sections 31 and 32 hereof.

SEC. 27. Said notice by said water commission shall be served and return made thereon in the same manner in which summons and return thereon are made in civil actions in the superior courts of this state. The water commission shall have power to adjourn hearings of contest from time to time upon reasonable notice to all parties in interest, and to issue subpoenas for and compel the attendance of witnesses to testify before it and produce papers, books, maps and other documents.

Service of notice.

SEC. 28. The state water commission shall require from the party bringing the contest before it under section twenty-six of this act a deposit of five dollars for each day it shall be engaged in taking testimony in such contest. Upon the final ascertainment by the state water commission in any contest, the said commission shall enter an order directing the return of the deposit to the depositor if the contest shall be determined in his favor, but, if the contest shall be determined against the person bringing it, the said deposit shall be immediately paid into the state treasury.

Deposit.

SEC. 29. Not less than fifteen days nor more than thirty days after the expiration of the period during which the testimony and evidence is to be kept open for public inspection, or if any contest shall be made, not less than fifteen days nor more than thirty days after the settlement of said contest by the water commission, the testimony and evidence in the original hearing and the testimony and evidence taken in said contest shall be filed in the office of the water commission.

Testimony and evidence filed.

SEC. 30. The water commission may, in its discretion and in addition to the testimony and evidence submitted to it by the parties claimant to or possessors of water rights on any stream, stream system, lake or other body of water cause to be made an examination of said stream, stream system, lake or other body of water and the works diverting or utilizing water therefrom. Said examination may include the gathering of whatever data covering said stream, stream system, lake or other body of water and the various ditches and canals taking water therefrom as the said commission may require, as well as such other data and information as may, in the discretion of the said commission, be necessary to enable it properly to ascertain the relative rights of the parties claiming rights to use the waters of said stream, stream system, lake, or other body of water. The results of said examination shall be filed in the office of said commission and be open to public inspection as provided in this act for the filing and public inspection of other evidence of a like nature.

Examination of stream, etc.

SEC. 31. As soon as practicable after the hearing of testimony and evidence, the hearing of contest and the gathering and filing of such data and information as the water commission shall, of its own motion, direct to be gathered, the said water commission shall record in its office its ascer-

Findings.

tainment of and specific findings upon the rights of the several claimants to the use of the waters of any stream, stream system, lake or other body of water. Immediately thereafter, the said water commission shall file a certified copy of said ascertainment and specific findings together with the original evidence and testimony taken before it and all data and information gathered by its order with the clerk of the superior court in and for the county in which such stream, stream system, lake or other body of water or any part thereof is situated.

Findings,
evidence
of facts.

Action in
superior
court.

SEC. 32. After the filing with the clerk of the superior court of the evidence, data, information, specific findings and ascertainment as required by section 31 of this act, the same shall be received in the superior court as prima facie evidence of the facts, specific findings and ascertainment therein set forth. And at any time within one year after such filing an action may be brought, upon the direction of the state water commission, by the attorney general in said superior court in which said evidence, data, information, specific findings and ascertainment shall have been so filed. Or an action may be brought in said court by any one or more of the possessors or claimants concerning whose rights to any of the waters of the stream, stream system, lake or other body of water the state water commission shall have made the specific findings and ascertainment filed in said court. Said action if brought by the attorney general shall be brought in the name and behalf of the people of the State of California to quiet the title of the State of California or the people thereof to any and all water or water rights which it may have in or on said stream, stream system, lake or other body of water, and to cause all parties whose rights have been so ascertained to appear and interplead in said action in defense and determination of each and all of their respective rights, which rights, as against the state and with regard to the different rights and priorities of said rights among themselves, shall be determined by the court in said action. And if an action be brought by any one or more of said claimants or possessors, said action may be brought in the name of the said possessor or claimant and to cause all parties, whose rights have been ascertained, to appear and interplead in said action in defense and determination of each and all of their respective rights, which rights, as against the state or the people thereof, and with regard to the different rights and priorities of said rights among themselves shall be determined by the court in said action. And from and after the filing of the complaint in such action, the proceedings therein shall be as in other cases heard and determined in said court, and in accordance with the provisions of the Code of Civil Procedure of this state; *provided*, that the evidence, data, information, specific findings and ascertainment so filed with the superior court as provided in section 31 of this act must be considered by said court in its determination of both or either of said

actions, and the court may affirm, modify or reject such specific findings and ascertainment and may make other or different findings as in its judgment the evidence justifies.

SEC. 33. All existing lawful appropriations of water or the use thereof, shall be and hereby are respected and upheld to extent of the amount of water appropriated and actually put or in process of being put. from the initial date of the act of appropriation, with due diligence in proportion to the magnitude of the work necessary properly to utilize the water for the useful or beneficial purpose for which it was appropriated, or for which it is being used.

Lawful appropriations respected.

SEC. 34. Whenever proceedings shall be instituted for the ascertainment by the state water commission of rights to water or the use of water, it shall be the duty of all claimants interested therein and having notice thereof as in this act provided to appear and submit proof of their respective claims at the time and in the manner required by law; and any such claimant who shall fail to appear in such proceedings and submit proof of his claim shall be barred and estopped from subsequently asserting any rights theretofore acquired upon the stream, stream system, lake or other body of water, or portion of such stream, stream system, lake or other body of water, embraced in such proceedings, and shall be held to have forfeited all rights to said water or the use of water theretofore claimed by him on such stream, stream system, lake or other body of water, unless entitled to relief under the laws of this state; *provided*, that such proceedings shall result in an ascertainment by the state water commission and a decree by the superior court based upon such ascertainment and specific findings or a modification of said ascertainment or specific findings.

Duty of claimants to appear

SEC. 35. In any suit wherein the state is or the people of the state are a party for the determination of a right to the use of the water of any stream, stream system, lake or other body of water, or of any portion of any stream, stream system, lake or other body of water, all who claim the right to use such water shall be made parties. When any such suit has been filed the court may call upon the state water commission to make or furnish a complete hydrographic survey of such stream, stream system, lake or other body of water, in order to obtain all the data necessary to the determination of the rights involved. The disbursements made in litigating the rights involved in such suit may be taxed by the court as in other equity suits, exclusive of the cost of such hydrographic survey.

Parties to suits.

Hydrographic survey.

SEC. 36. Upon the adjudication of the rights to the use of the water of a stream, or stream system, lake or other body of water, or any portion of a stream, stream system, lake or other body of water, a certified copy of the decree shall be prepared by the clerk of the court, without charge, and filed in the office of the state water commission, and said commission shall deliver to every party in such decree a certified copy thereof upon demand and the payment of the fees provided in

Copy of decree filed with commission.

this act. And the said commission shall file, for record, in the office of the recorder of each county in which any portion of said stream, stream system, lake or other body of water is situated, a certified copy of said decree. Said decree shall in every case declare as to the water right adjudged to each party, whether riparian or by appropriation, the extent, the priority, amount, purpose of use, point of diversion, and place of use of said water; and, as to water used for irrigation, such decree shall also declare the specific tracts of land to which it shall be appurtenant, together with such other conditions as may be necessary to define the right and its priority. But the failure of any party entitled thereto to demand or receive a copy of said decree shall not be considered to have prejudiced him or his rights in any way.

Power to supervise distribution of water.

SEC. 37. The power to supervise the distribution of water in accordance with the priorities established under this act, when such supervision does not contravene the authority vested in the judiciary of the state, is hereby vested in the state water commission.

Unauthorized diversion, trespass.

SEC. 38. The diversion or use of water subject to the provisions of this act other than as it is in this act authorized is hereby declared to be a trespass, and the state water commission is hereby authorized to institute in the superior court in and for any county wherein such diversion or use is attempted appropriate action to have such trespass enjoined.

Water appropriated for specific purpose.

SEC. 39. Water or the use of water which has heretofore been appropriated or acquired, or which shall hereafter be appropriated or acquired for one specific purpose shall not be deemed to be appropriated or acquired for any other or different purpose. And any person, firm, association or corporation applying to the state water commission for a license to appropriate water or the use of water shall state in the application for said license the specific purpose to which it is proposed to put such water or the use thereof. Water heretofore or hereafter appropriated for other than domestic use, may be applied to domestic use, in whole or in part, without a separate and distinct appropriation being made therefor. And water appropriated for one purpose under the provisions of this act may be subsequently appropriated for other purposes under the provisions of this act; *provided*, that such subsequent appropriation shall not injure any previous appropriation.

Reservoir investigation.

SEC. 40. The state water commission is also authorized and empowered to investigate any natural situation available for reservoirs or reservoir systems for gathering and distributing flood or other waters not under beneficial use in any stream, stream system or lake or other body of water, and to ascertain the feasibility of such projects, including the supply of water that may thereby be made available, the extent and character of the areas that may be thereby irrigated, and make estimate of the cost of such project.

Right of cities, etc. not limited.

SEC. 41. Nothing in this act shall be construed as depriving any city, city and county, municipal water district, irri-

gation district or lighting district of the benefit of any law heretofore or hereafter passed for their benefit in regard to the appropriation or acquisition of water or the use of water; and nothing in this act shall affect or limit in any manner whatsoever the right or power of any municipality which has heretofore appropriated or acquired water or the use of water for municipal purposes, to use or to sell or otherwise dispose of such water or the use thereof, either within or without its limits for domestic, irrigation or other purposes, in accordance with laws in effect at the time of the passage of this act.

SEC. 42. The word "water" in this act shall be construed as embracing the term "or use of water"; and the term "or use of water" in this act shall be construed as embracing the word "water." Whenever the terms stream, stream system, lake or other body of water or water occurs in this act, such term shall be interpreted to refer only to surface water, and to subterranean streams flowing through known and definite channels. But nothing in this act shall be construed as giving or confirming any right, or title, or interest to or in the corpus of any water; *provided*, that the term "useful or beneficial purposes" as used in this act shall not be construed to mean the use in any one year of more than two and one half acre feet of water per acre in the irrigation of uncultivated areas of land not devoted to cultivated crops.

"Water."

"Useful or beneficial purposes."

SEC. 43. Nothing in this act shall be construed as depriving any person, firm, association or corporation of the right of appeal conferred under the laws of this state.

Right of appeal.

SEC. 44. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 45. This act shall be known as the "water commission act."

Title of act.

SEC. 46. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality of act.

CHAPTER 587.

An act to amend section 1027 of the Code of Civil Procedure of the State of California, relating to costs on appeal.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1027 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1027. The prevailing party on appeal shall be entitled to

Costs on
appeal.

his costs excepting when judgment is modified, and in that event the matter of costs is within the discretion of the appellate court. The party entitled to costs, or to whom costs are awarded, may recover all amounts actually paid out by him in connection with said appeal and the preparation of the record for the appeal, including the costs of printing briefs; *provided, however*, that no amount shall be allowed as costs of printing briefs in excess of fifty dollars to any one party. The appellate court may reduce costs in case of the insertion of unnecessary matter in the record.

CHAPTER 588.

An act to repeal an act entitled "An act to regulate and govern the operation of the rock-crushing plant at the state prison at Folsom, to provide for the sale of crushed rock, and the disposition of the revenues derived therefrom," approved March 11, 1897, and to provide for the disposition of the money in the fund created by said act.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Repealed.

SECTION 1. An act entitled "An act to regulate and govern the operation of the rock-crushing plant at the state prison at Folsom, to provide for the sale of crushed rock, and the disposition of the revenues derived therefrom," approved March 11, 1897, is hereby repealed.

Transfer
of fund.

SEC. 2. All moneys now in what is known as the revolving fund, referred to in section seven of the above entitled act, and all moneys in the rock-crushing fund of Folsom prison, are hereby transferred to the prison fund of the state prison at Folsom.

CHAPTER 589.

An act to provide for the establishing and maintaining of parole headquarters in connection with state schools and reformatories.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Parole
head-
quarters
for state
schools.

SECTION 1. The board of trustees or other administrative body of any state reformatory or state school is hereby empowered and authorized to establish and maintain parole headquarters out of funds made available for their use and to pay rental and such incidental expenses as may be incurred in maintaining such headquarters and to advance money to any boy or girl who may now or hereafter be on furlough, parole or discharge from any such reformatory or state school, and to assist them in obtaining employment and in becoming established as useful and law-abiding members of society.

CHAPTER 590.

An act to provide for a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor.

[Approved June 16, 1913. In effect August 10, 1913.]

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

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

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

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

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

SEC. 2. There is hereby created a commission known as the “state civil service commission” which shall consist of three commissioners but which may continue to act after being fully constituted if there is not more than one vacancy in such commission. The commission shall be first constituted by three commissioners appointed for terms ending July 1, 1914, July 1, 1916, and July 1, 1917, respectively, and the succeeding terms shall each be for a period of four years. The governor shall appoint all commissioners including those who fill unexpired terms. Any commissioner may be removed by concurrent resolution of both houses of the legislature adopted by a two-thirds vote of each house. The commissioners shall each receive a salary of three thousand dollars per annum, which shall be paid at the same time and in the same manner as Civil serv-
ice com-
mission
created.

Salary.

the salaries of state officers are paid, and the commissioners shall also be paid necessary traveling expenses incurred in the performance of their duties. The total and items of all expenditures and obligations made, authorized and incurred by the commission shall not exceed the sums appropriated therefor by law.

Employees. SEC. 3. The commission shall employ a chief examiner and secretary, which offices may be combined, and such other employes as it may deem necessary or proper to carry out the purposes of this act. Their compensation shall be fixed by the commission, and they may be paid necessary traveling expenses incurred in the discharge of their duties. The duties of the chief examiner, secretary and other employes shall be prescribed by the commission, subject to the provisions of this act. It shall be the duty of the secretary to keep the minutes of the meetings of the commission and perform such other services as may be assigned him by the commission. The commission may select suitable persons to assist in examinations under its direction. The compensation of such assistants shall not exceed five dollars per day, except in the case of special and expert examiners employed in the preparation of questions and rating of candidates; and when the persons so selected are in the official service of the state it shall be deemed a part of their official duty to serve as such assistants without additional compensation.

Head-quarters. SEC. 4. The commission is authorized to secure in the city of Sacramento suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted, for carrying on the work of the commission and the commission may order the necessary stationery, postage stamps, and official seal and other articles to be supplied, and the necessary printing to be done for its official use.

SEC. 5. The commission shall:

Classify and grade positions. *First*—Classify positions to be held under state authority in accordance with the provisions of this act and in accordance with the duties attached to such positions. The commission shall grade all positions within each class with respect to salaries, to the end that like salaries shall be paid for like duties. Such classes and grades may from time to time be amended, added to, consolidated or abolished by the commission, but persons holding positions under the original classification or grade shall not be affected thereby.

Hold examinations. *Second*—Hold examinations to determine the merit, efficiency and fitness of applicants for positions, and prepare properly classified eligible lists from applicants so examined. All questions for examination shall be prepared under the supervision of the commission or chief examiner and delivered to the examining board or to the candidates by one of the commissioners or chief examiner or by an examiner specially designated to perform such service.

Enforce act. *Third*—Enforce the provisions of this act and prescribe, and enforce suitable rules and regulations for carrying the

same into effect and from time to time amend and repeal the same.

Fourth—Keep minutes of its own proceedings, and records of its examinations and other official actions.

Fifth—Records of individual efficiency of holders of positions in performing their duties shall be established in all offices and places of employment affected by this act. Such records shall be made by the appointing power, unless otherwise directed by the commission, and under and in accordance with such rules and regulations as the commission may prescribe, and a copy of such records shall be filed with the commission. ^{Efficiency records.} The commission shall investigate all such efficiency records and may make its own records, and shall rate upon such records the item of "ascertained merit" in examinations for promotion. The commission shall establish and enforce rules and regulations under which records of unsatisfactory service may lead to reduction in grade and compensation of the person holding the position concerned, and shall further provide for the manner in which persons falling below the standards of efficiency fixed by its rules and regulations may be removed from their positions by the commission proceeding substantially as provided in this act and with the same effect as in case of removals by the appointing power.

Sixth—Make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this act and the rules and regulations prescribed thereunder; inspect all state institutions, offices, places of employment and services affected by this act, and ascertain whether this act and all such rules and regulations are obeyed. Such investigation may be made by any commissioner, or chief examiner, or by any other authorized agent of the commission. In the course of such investigation any commissioner, or chief examiner or such other authorized agent of the commission, or the secretary of the commission, shall have power to administer oaths, subpoena and require the attendance in this state of witnesses and the production thereby of books, papers, documents and accounts appertaining to the investigation but not requiring the attendance of witnesses either with or without books, papers, documents or accounts unless residing within the same county or within thirty miles of the place of attendance. ^{Make investigations.}

Seventh—All hearings and investigations before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission shall be governed by this act and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor any commissioner, nor the chief examiner nor such other authorized agent of the commission shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony before the commission or any commissioner, or the chief examiner or ^{Rules governing hearings.}

Superior
court
may
compel
witnesses
to attend.

such other authorized agent of the commission shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission. The superior court in and for the county, or city and county, in which any inquiry, investigation, hearing or proceeding may be held by the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission shall have the power to compel the attendance of witnesses, the giving of testimony and the production of books, papers, documents and accounts, as required by any subpoena issued by the commission, or any commissioner, or such other authorized agent of the commission or the secretary. The commission, or the commissioner, or the chief examiner or such other authorized agent of the commission before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of such books, papers, documents or accounts, and that the witness has been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend or produce such books or papers or documents or accounts required by the subpoena, before the commission, or the commissioner, or the chief examiner, or such other authorized agent of the commission, in the matter named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify or produce such books or papers or documents or accounts before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission. The court, upon the petition of the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission, or such commissioner, or the chief examiner or such other authorized agent of the commission. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission, or any commissioner, or the chief examiner or other authorized agent of the commission or the secretary, the court shall thereupon enter an order that said witness appear before the commission, or such commissioner, or the chief examiner or any other authorized agent of the commission at the time and place fixed in said order, and testify or produce the required books, papers, documents and accounts, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy

Order
directing
witness
to appear.

provided in this section is cumulative, and shall not be construed to impair or interfere with the power of the commission, or a commissioner, or the chief examiner or any such other authorized agent of the commission to enforce the attendance of witnesses and the production of books, papers, documents and accounts.

The commission, or any commissioner, or the chief examiner or such other authorized agent of the commission may, in any investigation or hearing before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state and to that end may compel the attendance of witnesses and the production of books, papers, documents and accounts. Depositions.

No person shall be excused from testifying or from producing any book, paper, document or account in any investigation or inquiry by or hearing before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, when ordered to do so, upon the ground that the testimony or evidence, book, paper, document or account required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence; *provided*, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained shall be construed as in any manner giving to any person immunity of any kind otherwise than is herein expressly provided. Witness not excused from testifying.

Eighth—Make a biennial report to the governor for transmission to the legislature, showing the action of the commission, including all the rules and regulations adopted by it during such period and those that are in force at the time of making such report, information as to exempted positions as required by this act and the effects of this act and of all proceedings under it and any suggestions the commission or any commissioner may deem practical for the more effectual accomplishment of the purposes of this act. Biennial report.

Ninth—Meet at Sacramento as often as the needs of the public service may require, and at such other places as the commission may designate. A majority of the members of the commission shall constitute a quorum. Meetings.

SEC. 6. It shall be the duty of all persons subject to the authority of the state in that behalf (including all state officers and employes and all state institutions of every kind and character) to aid in all proper ways in carrying into effect the provisions of this act and the rules and regulations prescribed from time to time thereunder and especially, at the Duty of state officers to aid in carrying act into effect.

request of the commission, to allow the commission the reasonable use of public buildings and to heat and light the same for the purposes of making examinations of applicants and investigations as provided by this act. Every one subject to the authority of the state in that behalf shall afford to the commission and its members and employees all reasonable facilities and give inspection of all books, papers, documents and accounts applying or in any way appertaining to any and all offices subject to the authority of the state in that behalf, and shall also produce said books, papers, documents and accounts, and shall attend and testify when required to do so by the commission, or any commissioner, or the chief examiner, or the secretary or any other authorized agent of the commission. The attorney general shall advise and assist the commission, and the district attorneys of the counties shall prosecute violations of this act. The commission may employ special counsel.

Appoint-
ments to
be under
act.

SEC. 7. The appointing power in all cases not excepted or exempted under the provisions of this act, or by virtue of the provisions of the constitution of the state, shall fill positions by appointment, including cases of transfers, reinstatements, promotions and reductions, in strict accordance with the provisions of this act and the rules and regulations prescribed from time to time hereunder, and not otherwise. Except only and to the extent that the appointing power otherwise requests as hereinafter provided, the positions held in the following specified classes are excepted from such method of appointment:

Positions
excepted.

First—Appointees of the legislature and one person holding a position having a confidential relation, whether as secretary or clerk or stenographer to each such appointee.

Second—Appointees of the governor and one person holding a position having a confidential relation whether as secretary or clerk or stenographer to each such appointee.

Third—The chief deputy of and also one person holding a position having a confidential relation whether as secretary or clerk or stenographer to an elective officer.

Fourth—The secretary or executive officer, or both, and also the attorney and one stenographer of any board or commission appointed by the legislature or governor or elected by the electors, and all stenographers in the superior and appellate courts.

Fifth—The assistant and deputies of the attorney general and all special attorneys for boards and officers.

Sixth—The members of the appointing board of and any chief in any legislative reference or counsel bureau and one person holding a confidential relation to each such chief.

Seventh—One warden for each of the state prisons.

Eighth—One superintendent for each of the state reformatories, state hospitals or other state charitable or correctional institutions; also the parole officers for the state prisons, Preston School of Industry and Whittier State School.

Ninth—Persons employed by the University of California

and the state normal schools, and the teaching force of the elementary, secondary, trades and technical schools. Positions excepted.

Tenth—Persons engaged in work done by co-operation between the state and federal governments.

Eleventh—The state librarian, the chief deputy or assistant state librarian and also one person holding a position having a confidential relation to the state librarian, and appointees under provisions for court, law, teachers, school and county libraries.

Twelfth—The secretary, chief accountant and children's agents of the state board of control.

Thirteenth—The employees of the state railroad commission.

Fourteenth—Superintendents, chiefs, and heads of departments.

All provided that at any time any vacancy in any position in any of the above specified fourteen excepted classes may be filled by the appointing power in the manner provided by this act, in which case the person appointed shall hold, during the tenure of office of said appointing power, such position under the tenure of good behavior and subject to the provisions of this act as if that position had not been so excepted, but upon such appointee ceasing to hold such position that position shall be open as in such excepted class. Upon such appointee ceasing to hold such office by reason of the termination of the tenure of office of said appointing power, said appointee shall be restored to place upon the eligible lists in accordance with such rules and regulations as the commission may prescribe in that behalf. Any position subject to the provisions of this act may be declared exempted by resolution passed by concurrence of the three commissioners. Such resolution shall state separately the reasons for each exemption. Not more than one appointment shall be made to or under any position covered by such resolution unless permission to appoint a different number is given therein. Any exception thus made may be terminated at any time by resolution of the commission. Appointments to exempted positions shall be reported immediately to the commission. The names of each exempted position and the names of the incumbent and the reason for each exemption shall be stated in the biennial reports of the commission. Declaring positions exempt.

Sec. 8. Within three months after the commission is constituted, it shall make rules for the classification of positions to be held under state authority to be provided by this act, and, subject to the provisions of this act; such rules shall govern appointments, transfers, reinstatements, promotions, reductions and removals, and examination of applicants, and the commission may amend such rules from time to time. Such rules shall be printed for public distribution. Rules for classification of positions.

Sec. 9. Subject to the special provisions in this act as to laborers, appointments shall be made to all positions that are not filled by promotion, reinstatement, transfer or reduction, under the provisions of this act and the rules Method of making appointments.

in pursuance thereof, by the appointing power: Said appointing power shall notify the commission of any vacancy to be filled, stating the duties of the position. The commission shall then certify to the appointing power the names and addresses of the three persons standing highest on the eligible list for the class or grade to which the position belongs; but in case there be less than three on such eligible list, the commission shall certify the number thereon; and the appointing power shall fill the position by the appointment of one of the persons certified by the commission therefor. The term of eligibility shall be fixed for each eligible list at not less than one year. Appointments shall be made from the eligible list most nearly appropriate for the position to be filled, and a new list shall be created for a stated position or a group of positions only when there is no appropriate list existing from which appointment may be made. No person shall be appointed under any title not appropriate to the duties to be performed, and no person shall be assigned to perform the duties of any other position than that which he legally holds, except by consent of the commission. All appointments shall be for a probationary period to be fixed by the commission but not to exceed six months. Unless such appointee shall have been dismissed within such probationary period by the appointing power, for reasons stated in writing and filed with the commission, his appointment shall become permanent, subject to the provisions of this act as to removals, suspensions and changes. Discharged probationers may by unanimous vote of the commission be restored to the list of eligibles for certification to any position within their class other than the one from which they were rejected.

Appoint-
ments for
probation-
ary period.

Character
of exam-
inations.

SEC. 10. The examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the positions they seek. Applicants for positions in the mechanical trades and occupations may, in the discretion of the commission, be rated solely on experience and physical qualifications which may be determined by such evidence and in such manner as the commission may direct; and such applicants may be submitted to such further tests as the commission may require. The commission shall prepare lists of preliminary requirements and subjects of examinations for the several positions, and shall publish its rules and regulations and such information and advertise such examinations in such manner as the nature of the examination may require. The commission, except as may be otherwise provided in the case of laborers, shall require an applicant to file in its office, in accordance with its rules and regulations, a reasonable length of time before the date of examination, a formal application filled out in his own handwriting. Blank forms of such applications shall be furnished by said commission without charge to all persons requesting the same. The commission may require in connection with applications, in-

Prelim-
inary
require-
ments.

Applic-
ation
blanks.

cluding laborers, such certificates of citizens, physicians, public officers or others having knowledge of the applicant, as the good of the service may require. The commission may refuse to examine, or after examination to certify as eligible, anyone who is found to lack any of the established preliminary requirements for the examination or position for which he applies; or who is physically so disabled as to be rendered unfit to perform the duties of the position to which he seeks appointment, or who is addicted to the habitual use of intoxicating beverages to excess; or who has been guilty of a crime or of infamous or notoriously disgraceful conduct; or who has been dismissed from the public service for delinquency or misconduct; or who has intentionally made a false statement of any material facts, or practiced, or attempted to practice, any deception or fraud in his application, in his examination, or in securing his eligibility. Any person appointed to a position under the provisions of this act who has secured his place on the eligible list through fraud shall be removed by the commission from his position and shall not thereafter be eligible for examination for any position under the provisions of this act except by unanimous permission of the commission. When the position to be filled involves fiduciary responsibility, the appointing power may require the appointee to furnish a reasonable bond or other security, and shall notify the commission of the amount and necessary details thereof.

May
refuse to
examine.

May
require
bond.

SEC. 11. When there is no eligible list from which a position may be filled, the appointing power may, with the consent of the commission, fill such position by temporary appointment, and such temporary appointment shall not continue for a longer period than three months, nor shall successive temporary appointments be made to the same position under this section without the previous consent of the commission, and in no case shall any person hold a position under such successive temporary appointments for a longer period than six months without the unanimous consent of the commission.

Temporary
appoint-
ments.

SEC. 12. The commission shall establish rules and regulations under which emergency appointments may be made when those on the eligible lists are not immediately available, and for the time for which such emergency appointments shall be valid; and may fix a different time for different counties or cities and counties of the state.

Emergency
appoint-
ments.

SEC. 13. Vacancies in positions shall be filled, so far as practicable by promotion from among persons holding positions in a lower grade of the department, office or institution in which the vacancy exists. Promotions shall be based upon merit and competition and upon the superior qualifications of the person promoted as shown by his records of efficiency. For the purposes of this section an increase in the salary or other compensation of any person holding an office or position within the scope of the rules and regulations in force hereunder beyond the limit fixed for the grade in which such office and position is classified, shall be deemed a promotion. The com-

Promo-
tions.

Transfers. mission may authorize the transfer of any person legally holding a position to a similar position in the same class or grade, and may provide for the reinstatement within one year of persons separated from positions without fault or delinquency on their part, if within that time there is need for their services. No promotion, transfer or reinstatement shall be made from a position in one class to a position in another class, nor shall a person be transferred to or reinstated in a position for original entrance to which there is required by this act or the rules and regulations thereunder an examination involving essential tests or qualifications different from or higher than those required for original entrance to the position held by such person.

Tenure of office.

SEC. 14. The tenure of every one holding a position under the provisions of this act shall be during good behavior, but any such person may be removed for any of the following causes :

(a) Incompetence or inefficiency.

(b) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or of fellow employees, a violation of the provisions of this act or of the rules or regulations of the commission or any other failure of good behavior. The appointing power that could fill such positions under the provisions of this act if vacant or the commission may remove, as hereinafter provided, for such cause. The appointing power in so proceeding must furnish to the person holding such position written charges setting forth such ground for removal and file copy with the commission and allow the accused a reasonable time and opportunity to file with the commission and furnish to said appointing power written answer and explanation and thereafter said appointing power shall publicly hear and determine such charges after reasonable notice to the accused and the commission of the time and place of said hearing and affording the accused an opportunity at such hearing to present whatever competent evidence the accused may desire in defense. In case of charges presented by or to the commission, it shall proceed in like manner. A judgment of removal, in writing, setting forth the findings of said appointing power after such hearing and filed with the commission, shall be final and effect such removal and shall not be subject to review by any other tribunal, except that in case of proceedings against the same person before both the appointing power and the commission the judgment against the accused by either the appointing power or the commission shall control a judgment by the other in favor of the accused. Such appointing power may from time to time peremptorily suspend, with loss of salary or other compensation during such suspension, such person for such cause, and without trial, but only upon written charges so furnished to such person and filed with the commission and with the privilege to such person to so furnish to the appointing power and file with the commission written

Written charges.

Public hearing.

Judgment not subject to review.

Suspension.

answer and explanation, but such suspension or total suspensions by that appointing power of that person shall not exceed thirty days. Either the appointing power or the commission may transfer charges to the other for action or investigation.

SEC. 15. The commission shall provide by rule for the employment of laborers in the labor class in the order of priority of application for employment. There shall be separate lists of applicants for different kinds of labor, and the commission may provide separate labor registration lists for departments, institutions, districts or localities. The commission may require an applicant for registration to pass such examination as they may deem proper with respect to his age, residence, physical condition, ability to labor, skill, capacity and experience. The commission shall establish such time as it may deem expedient for the duration of eligible lists in the labor class.

Employment of laborers.

SEC. 16. It shall be the duty of each appointing power to report to the commission forthwith upon each appointment the name of the appointee, the title or character of the position, the date of the commencement of such service, and the salary or compensation therefor, and to report from time to time, and upon the date of official action in, or knowledge of each case, any separation of the person from the position, or other changes, and such other information as the commission may require in order to keep the roster hereinafter mentioned. The commission shall keep in its office an official roster of all persons holding positions under the provisions of this act and shall enter thereon the name of each and every person who has been appointed to, promoted, reduced, transferred, reinstated or removed from or left any position, and require such evidence as it may deem satisfactory as to whether such person was appointed to, promoted, reduced, transferred, reinstated or removed from such position in accordance with the provisions of this act and the rules and regulations of the commission thereunder and as to when and why and how such person was otherwise separated from such position. The official roster shall show opposite, or in connection with, each name, the date of appointment, promotion, reduction, transfer or reinstatement, the compensation of the position, the date of commencement of service and change in or separation from position and when and why and how there was such change or separation. The names of all persons holding positions at the time of the taking effect of this act which if vacant would be filled under the provisions of this act shall be certified to the commission by the appointing power that could then so fill such position if vacant, and such names shall be entered in said roster, and thereupon shall be deemed appointed under the provisions of this act and persons then holding such positions who have served in such positions a less period than one year and more than sixty days from the date of the classification of such positions as required by this act shall be deemed to be serving the probationary period, and

Reports of appointees, etc.

Official roster.

Names of persons now holding positions to be certified to commission

persons who have served in such positions for less than such sixty days shall be deemed temporary appointees.

Commission to certify to pay rolls before controller issues warrant.

SEC. 17. It shall be unlawful for the controller or other fiscal officer of the state to draw, sign, issue, or authorize the drawing, signing, or issuing of any warrant on the treasurer or other disbursing officer of the state for the payment of, or for the treasurer or other disbursing officer to pay any salary or compensation to any one holding any position under the provisions of this act unless the estimate, pay roll or account for such salary or compensation, containing the name of the person to be paid, shall bear the certificate of the commission that the persons named in such estimate, pay roll or account are holding positions as provided by this act and the rules and regulations prescribed thereunder. Any sums paid contrary to the provisions of this section may be recovered from any one making such appointment in violation of the provisions of this act and of the rules and regulations prescribed thereunder or from any officer signing, or countersigning, or authorizing the signing or countersigning of any warrant for the payment of the same, and from the sureties on his official bond in an action in any court of competent jurisdiction of this state maintained by a citizen resident therein, who is assessed for and is liable to pay, or within one year before the commencement of such action has paid, a tax therein. All moneys recovered in any action brought under the provisions of this section must, when collected, be paid into the treasury of the state, except that the plaintiff in any such action shall be entitled to receive for his own use the taxable costs of such action.

Penalty for false marking, grading, etc., of persons examined.

SEC. 18. Any commissioner or examiner, or any person who shall wilfully by himself or in co-operation with one or more persons, defeat, deceive or obstruct any person in respect of his or her right of examination or registration, according to any rules or regulations prescribed pursuant to the provisions of this act, or who shall wilfully and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified, pursuant to the provisions of this act, or aid in so doing, or who shall wilfully make any false representation concerning the same, or concerning the person examined, or who shall wilfully furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered, or certified, or to be examined, registered, or certified, or who shall personate any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration or application or request to be examined or registered, shall be deemed guilty of misdemeanor.

Soliciting from persons on eligible list prohibited.

SEC. 19. No officer, agent, clerk or employee under the government of the state shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, contribution or political service, whether voluntary or involuntary, for any political

purpose whatever, from any one on the eligible lists or holding any position under the provisions of this act.

Every officer, agent, clerk or employee under the government of the state who may have charge or control in any building, office, or room occupied for any purpose of said government is hereby authorized to prohibit the entry of any person, and he shall not permit any person to enter the same, for the purpose of therein making, collecting, receiving or giving notice of any political assessment, subscription or contribution, and no person shall enter, or remain in any said building, office or room, or send or direct any letter or other notice thereto, for the purpose of giving notice of, demanding, or collecting a political assessment, subscription or contribution, nor shall any person therein give notice of, demand, collect or receive, any such assessment, subscription or contribution contrary to the provisions of this section.

SEC. 20. No one, while holding any public office, or in nomination for, or while seeking a nomination or appointment for, any public office, shall use or promise to use, whether directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person in securing any position under the provisions of this act, either in nomination, confirmation, promotion, or increase in salary, or as to any change in any such position, upon a consideration or condition that the vote or political influence or action of the last named person or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration. And no one, being a public officer, or in nomination for, or while seeking nomination or appointment for, any public office or having or claiming to have any authority or influence (whether then possessed or merely anticipated) for the securing or holding of or as to affecting any position under the provisions of this act, shall use, or promise or threaten to use, any such authority or influence, directly or indirectly, in order to coerce or persuade the vote or political action of any person on the eligible lists or holding any position under the provisions of this act.

Promise of advancement for political influence prohibited.

SEC. 21. No salary, compensation or other emolument shall be paid to any one appointed to or retained in any position in violation of this act. Any officer approving or paying such salary shall be liable for such sum on his official bond. Whenever the commission shall notify the auditing officer that any position has been filled in violation of this act or any of the rules and regulations thereunder, no demand for the salary or compensation or other emolument of such position shall be approved or paid except upon the order of a court of competent jurisdiction.

No salary to persons appointed in violation of act.

SEC. 22. Any person acting in good faith in accepting appointment or employment contrary to the provisions of this act or of the rules and regulations prescribed thereunder, shall be paid by the appointing power the compensation promised

Appointing power must pay person accepting appointment in good faith.

by or on behalf of the appointing power or in case no compensation is so promised then the actual value of any service rendered and the expense incurred in good faith under such attempted appointment or employment, and shall have a cause of action against the appointing power for such sum or sums and for the costs of action. No public officer shall be reimbursed by the state or any of its instrumentalities for any sum so paid or recovered in such action.

Political and religious recommendation.

SEC. 23. No recommendation or question or inquiry under the authority of this act shall relate to the political or religious opinions or affiliations of any person, and no appointment or change in or removal from any position under the provisions of this act shall be in any manner affected or influenced by such opinions or affiliations.

Witness fees.

SEC. 24. Witnesses and officers to subpoena and secure the attendance of witnesses before the commission, or any commissioner, or the chief examiner or other authorized agent of the commission, shall be entitled to the same fees as are allowed witnesses in civil cases in courts of record. Such fees need not be prepaid, but the controller shall draw his warrant for the payment of the amount thereof when the same shall have been certified to by the commission and duly proved by affidavit or otherwise to the satisfaction of the controller.

Penalty.

SEC. 25. Any person wilfully violating any of the provisions of this act shall be guilty of a misdemeanor.

SEC. 26. All acts and parts of acts inconsistent with this act are hereby repealed in so far as they are inconsistent with the provisions of this act.

Appropriation.

SEC. 27. There is hereby appropriated the sum of fifty thousand dollars for carrying into effect the provisions of this act, and for defraying the expenses of the commission during the biennial term of 1913-1914.

CHAPTER 591.

An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners, and repealing an act to amend an act entitled, "An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners," approved March 23, 1893.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Rules governing parole.

SECTION 1. The state board of prison directors of this state shall have power to establish rules and regulations under which any prisoner who is now or hereafter may be imprisoned in any state prison, and who may have served one calendar year of the term for which he was convicted may be allowed to go upon parole outside of the buildings and inclosures, but

to remain while on parole in the legal custody and under the control of the state board of prison directors, and subject at any time to be taken back within the inclosure of said prison; and full power to make and enforce such rules and regulations, to grant paroles thereunder, and to retake and imprison any convict so upon parole is hereby conferred upon said board of directors, whose written order certified by the president of said board shall be a sufficient warrant for all officers named therein to authorize such officer to return to actual custody any conditionally released or paroled prisoner, and it is hereby made the duty of all chiefs of police, marshals of cities and villages, and sheriffs of counties, and all police, prison and peace officers and constables to execute any such order in like manner as ordinary criminal process; *provided, however*, that no prisoner imprisoned under a life sentence shall be paroled until he shall have served at least seven calendar years; *provided, further*, that no prisoner who has served a previous term in any state prison in this or any other state shall be paroled until he has served at least two calendar years, and no prisoner who has had imposed upon him two or more cumulative or consecutive sentences shall be paroled until he has served at least two years of the aggregate time of such cumulative or consecutive sentences. The governor of the state shall have like power to cancel and revoke the parole of any prisoner, and his written authority shall likewise be sufficient to authorize any of the officers named therein to retake and return said prisoner to the state prison, and his written order canceling or revoking the parole shall have the same force and effect and be executed in like manner as the order of the state board of prison directors. If any prisoner so paroled shall leave the state without permission from said board he shall be held as an escaped prisoner and arrested as such.

SEC. 2. "An act to establish a board of parole commissioners for the parole of, and government of parole prisoners," approved March 23, 1893, is hereby repealed.

CHAPTER 592.

An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.

[Approved June 10, 1913. In effect August 10, 1913.]

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

SECTION 1. A county water district may be organized and incorporated and managed as herein expressly provided and may exercise the powers herein expressly granted or necessarily implied.

Organiza-
tion of
county
water
districts.

SEC. 2. The people of any county, or city and county, or portion of a county, or city and county, whether such portion includes unincorporated territory or not, in the State of California, having a population of not less than one thousand inhabitants, may organize a county water district under the provisions of this act by proceeding as herein provided.

Petition.

SEC. 3. A petition, which may consist of any number of separate instruments, shall be presented at a regular meeting of the board of supervisors of the county in which the proposed water district is located, signed by the registered voters within the boundaries of the proposed water district, equal in number to at least ten per centum of the number of votes cast in said proposed county water district for the office of governor of this state at the last general election prior to the presenting of the petition; *provided*, that where one or more municipal corporations or part thereof is included in such proposed water district, such petition must be signed by at least ten per centum of the qualified electors of each such municipal corporations or part thereof and of the unincorporated territory included in such proposed water district so voting at such election. Such petition shall set forth and describe the proposed boundaries of such water district, and shall pray that the same be incorporated under the provisions of this act, and the text of such petition shall be published for at least two weeks before the time at which the same is to be presented in at least one, but not to exceed three, newspapers printed and published in such county, together with a notice stating the time of the meeting at which same will be presented. When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated.

Boundaries.

Hearing.

With such publication there shall also be published a notice of the time of the meeting of the board when such petition will be considered and that all persons interested therein may then appear and be heard. At such time the board of supervisors shall hear the petition and those appearing thereon and may adjourn such hearing from time to time, not exceeding four weeks in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures, thereto shall vitiate any proceedings thereon, provided such petition or petitions have a sufficient number of qualified signatures attached thereto. On the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable and shall define and establish such boundaries. But said board shall not modify said boundaries so as to exclude from such proposed district any territory which would be benefited by the formation of such district; nor shall any lands which will not, in the judgment of said board, be benefited by such district, by means of any of said systems of works, be included within such

Changes in boundaries.

proposed district. Any person whose lands are benefited by such district may upon his application, in the discretion of said board, have such lands included within said proposed district.

Upon such hearing of said petition, the board of supervisors shall determine whether or not said petition complies with the requirements of the provisions of this act, and for that purpose must hear all competent and relevant testimony offered in support of or in opposition thereto. Such determination shall be entered upon the minutes of said board of supervisors. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of California upon suit commenced by the attorney general. Any such suit must be commenced within one year after the order of the board of supervisors declaring such district organized as herein provided, and not otherwise. Upon the final determination of the boundaries of the district the board of supervisors shall give notice of an election to be held in said proposed water district for the purpose of determining whether or not the same shall be incorporated. Such notice shall describe the boundaries so established and shall state the proposed name of the proposed incorporation (which name shall contain the words "_____ county water district"), and this notice shall be published at least four weeks prior to such election in at least one, but not to exceed three, newspapers printed and published in said county. At such election the proposition to be submitted shall be: "Shall the proposition to organize _____ county water district under (naming the chapter containing this act) of the acts of the fortieth session of the California legislature be adopted?" And the election thereupon shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to general elections, so far as they may be applicable, except as in this act otherwise provided. No person shall be entitled to vote at any election under the provisions of this act unless such person possesses all the qualifications required of electors under the general election laws of the state. Within four days after such election the vote shall be canvassed by the board of supervisors. If a majority of the votes cast at such election in each municipal corporation or part thereof and in the unincorporated territory included in such proposed water district shall be in favor of organizing such county water district, said board shall by an order entered on its minutes declare the territory enclosed within the proposed boundaries duly organized as a county water district under the name theretofore designated, and the county clerk shall immediately cause to be filed with the secretary of state and shall cause to be recorded in the office of the county recorder of the county in which such district is situated, each, a certificate stating that such a proposition was adopted. Upon the receipt of such last mentioned certificate the secretary of state shall, within ten days, issue

finding
of board
final.

Election.

Who may
vote.

If major-
ity favor.

Certificate
of secre-
tary of
state.

his certificate reciting that the county water district (naming it) has been duly incorporated according to the laws of the State of California. A copy of such certificate shall be transmitted to and filed with the county clerk of the county in which such county water district is situated. From and after the date of such certificate, the district named therein shall be deemed incorporated as a county water district, with all the rights, privileges and powers set forth in this act and necessarily incident thereto. In case less than a majority of the votes cast are in favor of said proposition the organization fails but without prejudice to renewing proceedings at any time in the future.

Election of
directors.

SEC. 4. At an election to be held within such water district under the provisions of this act and the laws governing general elections not inconsistent herewith, the county water district thus organized shall proceed within ninety days after its formation to the election of a board of directors consisting, if there are no municipalities within the boundaries of said district, of five members. In all cases where the boundaries of such water district include any municipality or municipalities, said board of directors, in addition to said five directors to be elected as aforesaid, shall consist of one additional director for each one of said municipalities within such county water district, each such additional director to be appointed by the mayor of the municipality for which said additional director is allowed; and if there be any unincorporated territory within said water district, of one additional director, to be appointed by the said board of supervisors. Any director so appointed need not be an elector or resident of said district. All directors, elected or appointed, shall hold office until the election and qualification or appointment and qualification of their successors. The term of office of directors elected under the provisions of this act shall be four years from and after the date of their election; *provided*, that the directors first elected after the passage of this act shall hold office only until the election and qualification of their successors as hereinafter provided. The term of office of directors appointed by said mayor or mayors or by said board of supervisors shall be six years from and after the date of appointment. Directors to be first appointed under the provisions of this act shall be appointed within ninety days after the formation of the district. The election of directors of such county water district shall be in every fourth year after its organization, on the fourth Tuesday in March, and shall be known as the general water district election. A second election shall be held, when necessary, as hereinafter provided, on the third Tuesday after such general election, and shall be known as the second water district election. All other elections which may be held by authority of this act, or of the general laws, shall be known as special water district elections.

Term of
office.

Nomina-
tion of
officers.

SEC. 5. (1) The mode of nomination and election of all elective officers of such water district to be voted for at any

water district election and the mode of appointment of a director or directors by said mayor or mayors or by said board of supervisors shall be as follows and not otherwise:

(2) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

(3) The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

Individual Certificate.

Petition of nomination.

STATE OF CALIFORNIA, }
 COUNTY OF ----- } ss.

Prec. No. -----

I, the undersigned, certify that I do hereby join in a petition for the nomination of -----, whose residence is at No. ----, ----- street, for the office of ----- of the ----- county water district to be voted for at the water district election to be held in the ----- county water district on the ----- day of -----, 19----; and I further certify that I am a qualified elector residing within said district, and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence is at No. ----, ----- street, -----, and that my occupation is -----

(Signed) -----

STATE OF CALIFORNIA, }
 COUNTY OF ----- } ss.

----- being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) -----

Subscribed and sworn to before me this ----- day of -----, 19---

 Notary Public or Verification Deputy.

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to ----- at No. ----, ----- street, -----, California.

(4) It shall be the duty of the county clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

(5) Each certificate must be a separate paper. All certificates must be of uniform size as determined by the county clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified

Certificates.

elector residing within said district, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true, before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Verifi-
cation
deputies.

(6) Verification deputies, under this section, must be qualified electors of such county water district, and shall be appointed by the county clerk upon application in writing, signed by not less than five qualified electors of such county water district. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for office in said county water district at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purposes whatsoever, and their appointments shall continue only until all petitions of nomination, under this section, shall have been filed by the county clerk.

Presenta-
tion of
petition.

(7) A petition of nomination, consisting of not less than twenty-five individual certificates for any one candidate, may be presented to the county clerk not earlier than forty-five days nor later than thirty days before the election. The county clerk shall endorse thereon the date upon which the petition was presented to him.

Examina-
tion of
petition.

(8) When a petition of nomination is presented for filing to the county clerk, he shall forthwith examine the same, and ascertain whether or not it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the board of supervisors shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

Signer may
withdraw
name.

(9) Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the

county clerk a verified revocation of his signature before the filing of a petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

(10) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the county clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If, upon such withdrawal, the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty-five days prior to such election.

Candidate
may
withdraw.

(11) If either the original or amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn or added to and no signature shall be revoked thereafter.

Petition
filed.

(12) The county clerk shall preserve in his office for a period of two years, all petitions of nomination and all certificates belonging thereto, filed under this section.

Petitions
preserved.

(13) Immediately after such petitions are filed, the county clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the provisions of this act, and the board of supervisors shall cause said certified list of names and the offices to be filled, to be published in the proclamation calling the election at least ten successive days before the election in at least one but not more than three newspapers of general circulation published in the county in which such municipal water district is located. Such proclamation shall conform in all respects to the general state law governing the conduct of general elections now or hereafter in force, applicable thereto, except as otherwise herein provided.

List of
candidates.

(14) The county clerk shall cause the ballots to be printed and bound and numbered as provided by said general state law, except as otherwise required in this act. The ballots shall contain the list of names and the respective offices as published in the proclamation and shall be in substantially the following form:

Ballots.

GENERAL (OR SPECIAL) DISTRICT ELECTION, Form.
----- COUNTY WATER DISTRICT.
(Inserting date thereof.)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election, and obtain another.

How
printed.

(15) All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side for questions to be voted upon at municipal water district elections, as provided for under this act. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

No can-
didate
omitted.

(16) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided shall be omitted from the ballot.

Office.

(17) The offices to be filled shall be arranged in the following order: "For director vote for (giving number)."

Voting
squares.

(18) Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

(19) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample
ballots.

(20) The county clerk shall cause to be printed sample ballots, identical with the ballot to be used at the election, and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Votes
necessary
to elect.

(21) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

First
election
considered
primary.

(22) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; *provided*, that if there be any person who, under the provisions of this subdivision, would

have been entitled to become a candidate for any office, except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

(23) The said second election, if necessary to be held, shall be held three weeks after the first election. Second election.

(24) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election need be published twice only; and *provided, also*, that the same precincts and polling places shall, if possible, be used.

(25) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided. Failure to qualify.

(26) The mode of appointment of director or directors by a mayor, or by a board of supervisors shall be by certificate of appointment signed by said mayor or mayors, or issued by said board of supervisors, and transmitted to the board of directors of said county water district. Mode of appointment by mayor.

(27) No informality in conducting county water district elections shall invalidate the same, if they have been conducted of directors to fill a vacancy, or appointed by a mayor or by this act. Informality not to invalidate.

SEC. 6. The provisions of the law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections, so far as they may be applicable, shall govern all water district elections, except as in this act otherwise provided; *provided*, that the board of supervisors shall canvass the returns of the first election and that thereafter, except as herein provided, the board of directors shall meet as a canvassing board and duly canvass the returns within four days after any water district election, including any water district bond election. General law to govern.

SEC. 7. Every incumbent of an elective office, whether elected by popular vote for a full term, or elected by the board of directors to fill a vacancy, or appointed by a mayor or by said board of supervisors for a full term, is subject to recall by the voters of any county water district organized under the provisions of this act, in accordance with the recall provisions of the general laws of the state applicable to officers of counties. Officers subject to recall.

SEC. 8. The board of directors shall be the governing body of such county water district. It shall hold its first meeting on the sixth Monday after the first general election for the election of directors as herein provided; it shall choose one of its members president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions of the Organization of board.

board of directors whether regular or special shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. The board of directors shall establish rules for its proceedings.

Ordinances.

Sec. 9. The board of directors shall act only by ordinance or resolution. The ayes and noes shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the board of directors. No ordinance or resolution shall be passed or become effective without the affirmative votes of at least a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be in these words: "Be it ordained by the board of directors of ----- county water district as follows:'. All resolutions and ordinances shall be signed by the president of the board of directors and attested by the secretary. Each of the members of the board of directors shall receive for each attendance at the meetings of the board ten dollars, and shall receive no other compensation. No director, however, shall receive pay for more than three meetings in any calendar month. Any vacancy in the board of directors, whether the vacant office is elective or appointive, shall be filled by the remaining directors.

Enacting clause.

Compensation.

General manager, secretary and auditor.

Sec. 10. The board of directors shall at its first meeting, or as soon thereafter as practicable, appoint, by a majority vote, a general manager, a secretary, and an auditor. No director shall be eligible to the office of general manager, secretary, or auditor. The general manager, secretary, and auditor shall receive such compensation as the board of directors shall determine, and each shall serve at the pleasure of the board.

Informality not to invalidate.

Sec. 11. No informality in any proceeding or informality in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of any county water district, and any proceeding wherein the validity of such incorporation is denied shall be commenced within three months from the date of the certificate of incorporation, otherwise said incorporation and the legal existence of said county water district, and all proceedings in respect thereto, shall be held to be valid and in every respect legal and incontestable.

Powers of district.

Sec. 12. Any county water district incorporated as herein provided, shall have power:

1. To have perpetual succession;
2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;
3. To adopt a seal and alter it at pleasure;
4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the district, necessary to the full exercise of its powers;
5. To acquire, by purchase, lease, or otherwise, water rights, waterworks, canals, conduits, reservoirs, storage sites, water-

Hold property.

Acquire water works.

sheds, works, machinery, lands, rights and privileges, useful or necessary to convey, supply, store, or otherwise, make use of water for irrigation, power, or other useful purpose, and to operate and maintain such water rights, waterworks, canals, conduits, reservoirs, storage sites, watersheds, works, machinery, lands, rights and privileges, for the uses aforesaid, for the benefit of the district;

6. To store water for the benefit of the district; and to conserve water for future use and to appropriate, acquire and preserve water and water rights and for this purpose to sue, intervene and compromise, in the name of the district, and assume the costs of litigation involving the ownership of waters or water rights within the district and those used and useful for the purposes of the district or of any of the lands situated therein;

Store water.

7. To lease of and from any person, firm, or public or private corporation, with the privilege of purchase, or otherwise, existing water rights, waterworks, canal, or reservoir systems; and to carry on and maintain the same; also to sell water, or the use thereof, for irrigation, power, or other useful purposes. and whenever there is a surplus, sell, or otherwise, dispose of the same, to municipalities, or towns, or to consumers, located within or without the boundaries of the district;

Lease water works.

8. To have and exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the district or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing water rights, canals, reservoirs, storage sites, watersheds, waterworks or system, or any portion thereof owned by any person, firm or corporation; *provided*, that property and water rights of municipal corporations shall not be subject to the provisions of this section. In proceedings relative to the exercise of such right, the district shall have the same rights, powers and privileges as a municipal corporation;

Right of eminent domain.

9. To borrow money and incur indebtedness and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the district or property thereof;

Borrow money.

10. To cause taxes to be levied for the purpose of paying any obligation of the district and to accomplish the purposes of this act in the manner herein provided;

Levy taxes.

11. To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers.

Make contracts.

SEC. 13. The powers herein enumerated shall, except as herein otherwise provided, be exercised by the board of directors above provided for and elected and appointed as described herein.

Powers exercised by board.

SEC. 14. The president shall sign all contracts on behalf of the district and perform such other duties as may be imposed by the board of directors. The secretary shall countersign all

Duties of officers of board.

contracts on behalf of the district and perform such other duties as may be imposed by the board of directors. The secretary shall give his full time during office hours to the affairs of the district. The general manager shall have full charge and control of the maintenance, operation and construction of the waterworks or waterworks system of said water district, with full power and authority to employ and discharge all employees and assistants at pleasure, prescribe their duties, and shall, subject to the approval of the board of directors, fix their compensation. The general manager shall perform such other duties as may be imposed upon him by the board of directors. The general manager shall report to the board of directors in accordance with such rules and regulations as they may adopt. The auditor shall be charged with the duty of installing and maintaining a system of auditing and accounting that shall completely and at all times show the financial condition of the district. He shall draw warrants to pay demands made against the district when such demands have been first approved by at least three members of the board of directors and by the general manager. The board of directors shall also designate a depository or depositaries to have the custody of the funds of the district, all of which depositaries shall give security sufficient to secure the district against possible loss, and who shall pay the warrants drawn by the auditor for demands against the district under such rules as the directors may prescribe. The general manager, secretary and auditor, and all other employees or assistants of said district who may be required so to do by the board of directors, shall give bonds to the district conditioned for the faithful performance of their duties as the board of directors from time to time may provide.

Depository
of funds.

Officers'
bonds.

Bonded
indebted-
ness.

Election.

Notice.

SEC. 15. Whenever the board of directors deem it necessary for the district to incur a bonded indebtedness, it shall, by resolution, so declare and state the proposition to be submitted to the electors, the purpose for which the proposed debt is to be incurred, the amount of debt to be incurred, the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed forty years, and the maximum rate of interest to be paid, which shall not exceed seven per cent per annum. The board of directors shall fix a date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred. It shall be the duty of the board of directors to provide for holding such special election on the day so fixed and in accordance with the general election laws of the state so far as the same shall be applicable, except as herein otherwise provided. Such board of directors shall give notice of the holding of such election, which notice shall contain the resolution adopted by the board of directors of the water district, boundaries of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. Such

notice shall be published for two weeks in at least one newspaper and not more than three newspapers published in such water district, which newspaper or newspapers shall be designated by the board of directors; and if there is no newspaper printed in such water district, then by posting such notice in three public places therein. All the expenses of holding such election shall be borne by the district. The returns of such election shall be made, the votes canvassed by said board of directors on the first Monday following said election, and the results thereof ascertained and declared in accordance with the general election laws of the state so far as they may be applicable, except as herein otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted. In all respects not otherwise provided for herein said election shall be called, managed and directed as is by law provided for general elections in this state applicable thereto, except as herein otherwise provided.

Publication.

Canvass of returns.

Sec. 16. If from such returns it appears that more than two thirds of the votes cast at such election were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, provide for the form and execution of such bonds and for the issuance of any part thereof, and may sell or dispose of the bonds so issued at such times or in such manner as it may deem to be to the public interest.

Two-thirds vote necessary.

Sec. 17. Any bonds issued by any district organized under the provisions of this act are hereby given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the State of California.

Value of bonds issued.

Sec. 18. The board of directors shall have power to construct works across any stream of water, watercourse, street, avenue, highway, railway, canal, ditch, or flume which the route of said works may intersect or cross; *provided*, such works are constructed in such manner as to afford security for life and property, and said board of directors shall restore the crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company whose right of way shall be intersected or crossed by said works shall unite with said board of directors in forming said intersections and crossings and grant the rights therefor. The right of way is hereby given, dedicated and set apart to locate, construct and maintain said works over and through any of the lands which are now or may be the property of this state, and to have the same rights and privileges appertaining thereto as have been or may be granted to the municipalities within the state.

Power to construct works across streets, etc.

Right of way through state lands.

Sec. 19. The board of directors shall fix all water rates and through the general manager collect the charges for the sale and distribution of water to all consumers.

Water rates.

Rate to
pay
operating
expenses.

SEC. 20. The board of directors in the furnishing of water shall fix such rate as will pay the operating expenses of the district, provide for repairs and depreciation of works owned or operated by it, pay the interest on any bonded debt, and, so far as possible, provide a sinking or other fund for the payment of the principal of such debt as it may become due; it being the intention of this section to require the district to pay the interest and principal of its bonded debt from the revenues of the district.

Tax levy
to pay
deficit.

SEC. 21. If, from any cause the revenues of the district shall be inadequate to pay the principal or interest on any bonded debt as it becomes due, then the board of directors must at least fifteen days before the first day of the month in which the board of supervisors of the county or city and county in which such water district is located is required by law to levy the amount of taxes required for county or city and county purposes and furnish to the board of supervisors and to the auditor respectively an estimate in writing of the minimum amount of the money required by the district for that purpose, and the board of supervisors of such county or city and county, must annually, at the time and in the manner of levying other county or city and county taxes, levy and cause to be collected a tax to be known as the "_____ county district water tax."

Levy and
collection
of tax.

SEC. 22. Such tax shall be levied on all property in the territory comprising the district and shall be collected at the same time and in the same manner and form as county taxes are collected, and when collected, shall be paid to the district for which such tax was levied and collected. Such tax shall be a lien on all the property within the territory comprising the district and of the same force and effect as other liens for taxes and its collection shall be enforced by the same means as provided for in the enforcement of liens for state and county taxes.

Initiative.

SEC. 23. Ordinances may be passed by the electors of any county water district organized under the provisions of this act in accordance with the methods provided by the general laws of the state for direct legislation applicable to counties.

Referen-
dum.

SEC. 24. Ordinances may be disapproved and thereby vetoed by the electors of any such county water district by proceeding in accordance with the methods provided by the general laws of the state for protesting against legislation by counties.

Adding to
district.

SEC. 25. Any portion of a county or any municipality, or both, may be added to any county water district organized under the provisions of this act, at any time, upon petition presented in the manner herein provided for the organization of such water district, which petition may be granted by ordinance of the board or directors of such water district. Such ordinance shall be submitted for adoption or rejection to the vote of the electors in such water district and in the proposed addition, at a general or special election held as herein provided, within seventy days after the adoption of such ordi-

nance. If such ordinance is approved, the president and secretary of the board of directors shall certify that fact to the secretary of state and to the county recorder of the county in which such water district is located. Upon the receipt of such last mentioned certificate the secretary of state shall, within ten days, issue his certificate, reciting the passage of said ordinance and the addition of said territory to said district. A copy of such certificate shall be transmitted to and filed with the county clerk of the county in which such county water district is situated. From and after the date of such certificate the territory named therein shall be deemed added to and form a part of said county water district, with all the rights, privileges and powers set forth in this act and necessarily incident thereto.

SEC. 26. Nothing in this act shall be so construed as repealing or in anywise modifying the provisions of any other act relating to water or the supply of water to, or the acquisition thereof by counties or municipalities within this state. The term "municipality," as used in this act, shall include a consolidated city and county, city or town, and shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing and those hereafter organized for municipal purposes within such water districts. The term "county" shall be understood and construed to include "city and county." In municipalities in which there is no mayor the duty imposed upon said officer by the provisions of this act shall be performed by the president of the board of trustees or other chief executive of the municipality. The word "district" shall apply, unless otherwise expressed or used, to a water district formed under the provisions of this act, and the word "board" and the words "board of directors" shall apply to the board of directors of such district.

Other water acts not repealed.

SEC. 27. Whenever a registrar of voters in any county, or city and county, shall be appointed, or elected, under the provisions of law, or charter providing therefor, the duties imposed on the county clerk by the provisions of this act shall be performed by the registrar of voters with like effect, and in such case all papers or documents required to be filed with the county clerk shall be filed with said registrar of voters when so appointed or elected.

Duties performed by registrar of voters.

CHAPTER 593.

An act to amend section fifteen hundred seventy-eight of the Penal Code of the State of California, relating to the duties of wardens of state prisons.

[Approved June 10, 1913. In effect August 10, 1913.]

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

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

Duties of
prison
wardens.

1578. The wardens shall reside at the state prisons to which they are respectively assigned, in houses provided and furnished at the expense of the state, as may be ordered by the board of directors, and it shall be their duty:

1. To fill all subordinate positions that may be created by order of the board of directors, by appointment of suitable persons thereto.

2. Under the order and direction of the board, to prosecute all suits, at law or in equity, that may be necessary to protect the rights of the state in matters or property connected with the prisons and their management, such suits to be prosecuted in the name of the board of state prison directors.

3. To supervise the government, discipline and police of the prisons, and to enforce all orders and regulations of the board in respect to such prisons. A registry of convicts shall be kept by them respectively, in which shall be entered the name of each convict, the crime of which he is convicted, the period of his sentence, from what county sentenced, by what court sentenced, his nativity, to what degree educated, at what institution and under what system, an accurate description of his person, and whether he has previously been confined in a state prison in this or any other state, and if so, when and how he was discharged.

4. To report to the governor, before the twentieth of each month the names of all prisoners whose terms are about to expire, giving in such report the terms of their sentences, the date of imprisonment, the amount of total credits to the date of such report, and the date when their service would expire by limitation of sentence.

5. To grade and classify the prisoners, in accordance with the rules and regulations of the board of directors, now existing or which may hereafter be made, and to provide for clothing them in such manner that the different grades or classes may be readily distinguished.

6. The warden of each state prison or reformatory institution must keep a punishment book in which a record of all punishments and what kind of punishments are administered to prisoners or inmates, if any; the offense committed; the rule or rules violated; the nature of punishment administered; the name of the officer who ordered such punishment; the duration of time under which the offender was subjected to punishment; the condition of the prisoner's health; the number of times punished. Said book shall be kept by an officer of the prison.

7. To perform such other duties as may be prescribed by the board of directors.

CHAPTER 594.

An act to amend the Political Code of the State of California by adding thereto a new section to be known as section 445, authorizing the controller of state to maintain an inheritance tax department and in connection therewith to appoint an inheritance tax attorney, two assistant inheritance tax attorneys and an inheritance tax clerk and necessary assistants thereto, and to repeal an act entitled "An act to authorize the controller of state to appoint an inheritance tax deputy, prescribing his duties and making an appropriation therefor," approved March 20, 1909.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. The Political Code of the State of California is hereby amended by adding thereto a new section to be numbered section 445, and to read as follows:

445. The controller shall maintain under his authority and direction a department, to be known as the inheritance tax department, which is hereby established, for the purpose of supervising and assisting in the administration of the inheritance or transfer tax laws of this state. Said department shall gather, record, compile, publish and distribute such information and data as the controller may direct relative to the inheritance or transfer tax laws of this or other states or relative to the administration, enforcement or evasion of such laws. Said department shall co-operate with, advise and assist inheritance tax appraisers, county treasurers, district attorneys and other officers and persons in the administration and enforcement of the inheritance or transfer tax laws of this state, and shall prepare, publish and distribute such blank forms for use of inheritance tax appraisers or other use as the controller may direct. In connection with said inheritance tax department, the controller may appoint, in addition to other employees provided for by statute, an inheritance tax attorney, whose office shall be in the city of Sacramento, two assistant inheritance tax attorneys, one of whom shall have his office in the city of Los Angeles and the other in the city and county of San Francisco, and an inheritance tax clerk. Said attorneys and said clerk shall be civil executive officers. Said attorneys shall be admitted and licensed to practice before the supreme court of this state. The inheritance tax attorney shall, under the authority and direction of the controller, have general supervision of said department. He shall have particular charge of the legal work connected with said department and shall perform such other duties as the controller may direct. Said assistant inheritance tax attorneys shall perform such legal and other services relative to the administration and enforcement of said inheritance or transfer tax laws in the respective counties in which their offices may be situated or in any neigh-

Inheritance
tax department.

Attorneys.

Clerk.

horing county, as the controller may direct. The inheritance tax clerk shall perform such clerical services as may be required of said inheritance tax department; he shall keep a record of taxable inheritances and transfers and of actions and proceedings to determine or enforce payment of any taxes due thereon. He shall make inquiry into appraisements of estates and shall perform such other duties as the controller may direct. He shall have his office at the city of Sacra-

Salaries.

mento. The salary of said inheritance tax attorney shall be three thousand dollars per annum. The salary of each of said assistant inheritance tax attorneys shall be three thousand dollars per annum. The salary of said inheritance tax clerk shall be one thousand eight hundred dollars per annum.

Expenses.

Said attorneys and said clerk shall also receive their necessary traveling and incidental expenses. Said salaries and said expenses shall be paid out of such moneys as may be appropriated to the controller for the use of said inheritance tax department. Out of any moneys so appropriated the controller may also employ such other and further and additional attorneys, clerks, experts, agencies or persons, or make such other expenditures as he may think necessary and proper in the conduct of said inheritance tax department.

Repealed.

SEC. 2. An act entitled "An act to authorize the controller of state to appoint an inheritance tax deputy, prescribing his duties and making an appropriation therefor," approved March 20, 1909, is hereby repealed.

CHAPTER 595.

An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder or under an act hereby repealed, to be known as the "Inheritance Tax Act"; to repeal an act entitled "An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and for suits to quiet title against claims of liens, arising hereunder; to repeal an act entitled 'An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers; to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and for suits to quiet title against claims of liens arising hereunder'; to repeal an act entitled 'An act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection and to direct the disposition of its proceeds,' approved March

23, 1893, and all amendments thereto, and to repeal all acts and parts of acts in conflict with this act, approved March 20, 1905, and all amendments thereto, and all acts and parts of acts in conflict with this act," approved April 7, 1911.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. (a) This act shall be known as the "Inheritance Tax Act."

(b) The words "estate" and "property" as used in this act shall be taken to mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor, or donor passing or transferred to individual legatees, devisees, heir next of kin, grantees, donees, vendees, or successors, and shall include all personal property within or without the state. Defin-
ition.

(c) The word "transfer" as used in this act shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift, or appointment in the manner herein described.

(d) The word "decedent" as used in this act shall include the testator, intestate, grantor, bargainor, vendor, or donor.

(e) The words "county treasurer" and "district attorney" and "inheritance tax appraiser," as used in this act, shall be taken to mean the treasurer or the district attorney or the inheritance tax appraiser of the county of the superior court having jurisdiction, as provided in section fifteen of this act.

(f) The words "contemplation of death," as used in this act, shall be taken to include that expectancy of death which actuates the mind of a person on the execution of his will, and in nowise shall said words be limited and restricted to that expectancy of death which actuates the mind of a person in making a gift *causa mortis*; and it is hereby declared to be the intent and purpose of this act to tax any and all transfers which are made in lieu of or to avoid the passing of property transferred by testator or intestate laws.

SEC. 2. A tax shall be and is hereby imposed upon the transfer of any property, real, personal or mixed, or of any interest therein or income therefrom in trust or otherwise, to persons, institutions or corporations, not hereinafter exempted, to be paid to the treasurer of the proper county, as hereinafter directed, for the use of the state, in the following cases: Property
taxable.

(1) When the transfer is by will or by the intestate or homestead laws of this state, from any person dying seized or possessed of the property while a resident of the state, or by any probate homestead set apart from said property. Resident
decedents.

(2) When the transfer is by will or intestate laws of property within this state and the decedent was a non-resident of the state at the time of his death. Non-res-
ident de-
cedents.

(3) When the transfer is of property made by a resident, or by a non-resident when such non-resident's property is within Contem-
plation of
death.

this state, by deed, grant, bargain, sale, assignment or gift, made without valuable and adequate consideration in contemplation of the death of the grantor, vendor, assignor or donor, or intended to take effect in possession or enjoyment at or after such death. When such person, institution or corporation becomes beneficially entitled in possession or expectancy to any property or the income therefrom, by any such transfer, whether made before or after the passage of this act.

Transfer to take effect at death.

Power of appointment.

SEC. 3. (a) Whenever any person or corporation shall be given a power of appointment by virtue of any disposition of property made before or after the passage of this act, such gift of power of appointment shall, under the provisions of this act, be deemed a transfer made from the donor of said power to the donee thereof and taxable upon said donor's death.

Excessive commissions to executors.

(b) Whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in lieu of commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said bequest, devise, or residuary legacies exceeds what would be a reasonable compensation for their services, such excess over and above the exemptions herein provided for shall be liable to said tax; and the superior court in which the probate proceedings are pending shall fix the compensation.

Estates determinable by reference to death taxable.

(c) Where any property shall, after the passage of this act, be transferred subject to any charge, estate or interest, determinable by the death of any person, or at any period ascertainable only by reference to death, the increase accruing to any person or corporation upon the extinction or determination of such charge, estate or interest, shall be deemed a transfer of property taxable under the provisions of this act in the same manner as though the person or corporation beneficially entitled thereto had then acquired such increase from the person from whom the title to their respective estates or interests is derived.

Lien.

SEC. 4. Such taxes shall be and remain a lien upon the property passed or transferred until paid, and the person to whom the property passes or is transferred, and all administrators, executors and trustees of every estate so transferred or passed, shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed. The provisions of the Code of Civil Procedure relative to the limitation of time of enforcing a civil remedy shall not apply to any proceeding or action taken to levy, appraise, assess, determine, or enforce the collection of any tax or penalty prescribed by this article, and this section shall be construed as having been in effect as of date of the original enactment of the inheritance tax law; *provided*, that unless sued for within five years after they are due and legally demandable, such taxes, or any taxes accruing under any act herein repealed, shall cease to be a lien as against any bona fide purchaser

Limitation.

of real property; *and provided*, that no such lien shall cease within five years from the date of the passage of this act. The tax so imposed shall be upon the market value of such property at the rates hereinafter prescribed and only upon the excess over the exemptions hereinafter granted; *and provided*, that in determining said market value no deduction shall be made for any family allowance made out of said estate.

SEC. 5. When the property or any beneficial interest therein so passed or transferred exceeds in value the exemption hereinafter specified and shall not exceed in value twenty-five thousand dollars, the tax hereby imposed shall be:

(1) Where the person or persons entitled to any beneficial interest in such property shall be the husband, wife, lineal issue, lineal ancestor of the decedent or any child adopted as such in conformity with the laws of this state, or any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent (provided, however, such relationship began at or before the child's fifteenth birthday, and was continuous for said ten years thereafter,) or any lineal issue of such adopted or mutually acknowledged child, at the rate of one per centum of clear value of such interest in such property.

(2) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of a decedent, a wife or widow or son, or the husband of a daughter of the decedent, at the rate of two per centum of the clear value of such interests in such property.

(3) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother or a descendant of a brother or sister of the father or mother of the decedent, at the rate of three per centum of the clear value of such interest in such property.

(4) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother or a descendant of the brother or sister of the grandfather or grandmother of the decedent, at the rate of four per centum of the clear value of such interest in such property.

(5) Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the rate of five per centum of the clear value of such interest in such property.

SEC. 6. The foregoing rates in section five are for convenience termed the primary rates. When the market value of such property or interest exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

(1) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars, two times the primary rates.

Primary rates.

Husband, wife, children, parents.

Brother, sister, their descendants, sons-in-law, etc.

Uncle, aunt, their descendants.

Grand-uncle, or aunt, their descendants.

Other persons.

Secondary rates.

(2) Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, three times the primary rates.

(3) Upon all in excess of one hundred thousand dollars and up to two hundred and fifty thousand dollars, four times the primary rates.

(4) Upon all in excess of two hundred and fifty thousand dollars and up to five hundred thousand dollars, five times the primary rates.

(5) Upon all in excess of five hundred thousand dollars and up to one million dollars, five times the primary rate and in addition thereto two and one half per centum of the clear market value of such interest in such property.

(6) Upon all in excess of one million dollars, five times the primary rate and in addition thereto five per centum of the clear market value of such interest in such property.

Exemptions.

SEC. 7. The following exemptions from the tax are hereby allowed:

Charities.

(1) All property transferred to societies, corporations, and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, or association of persons engaged in or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person or corporation shall become beneficially entitled, in possession or expectancy, to any such property or to the income thereof, shall be exempt.

Persons named in subdivision 1, sec. 5.

(2) Property of the clear value of twenty-four thousand (\$24,000.00) dollars transferred to the widow or to a minor child of the decedent, and of ten thousand (\$10,000.00) dollars transferred to each of the other persons described in the first subdivision of section five, shall be exempt.

Subdivision 2, sec. 5.

(3) Property of the clear value of two thousand (\$2,000.00) dollars transferred to each of the persons described in the second division of section five, shall be exempt.

Subdivision 3, sec. 5.

(4) Property of the clear value of one thousand five hundred (\$1,500.00) dollars transferred to each of the persons described in the third subdivision of section five, shall be exempt.

Subdivision 4, sec. 5.

(5) Property of the clear value of one thousand (\$1,000.00) dollars transferred to each of the persons described in the fourth division of section five, shall be exempt.

Subdivision 5, sec. 5.

(6) Property of the clear value of five hundred (\$500.00) dollars transferred to each of the persons and corporations described in the fifth subdivision of section five, shall be exempt.

Tax due at death.

SEC. 8. (a) All taxes imposed by this act, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months, no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; *pro-*

vided, that if said tax is paid within six months from the accruing thereof a discount of five per centum shall be allowed and deducted from said tax. And in all cases where the executors, administrators, or trustees do not pay such tax within eighteen months from the death of the decedent, they shall be required to give a bond in the form and to the effect prescribed in subdivision (a) of section nine of this act for the payment of said tax, together with interest. Rebate.

(b) The penalty of ten per cent per annum imposed by subdivision (a) of this section, for the non-payment of said tax, shall not be charged in cases where, in the judgment of the court, by reason of claims made upon the estate necessary litigation, or other unavoidable cause of delay, the estate of any decedent, or a part thereof, cannot be settled at the end of eighteen months from the death of the decedent; but in such cases seven per cent per annum shall be charged upon the said tax from the expiration of said eighteen months until the cause of such delay is removed, after which ten per cent interest per annum shall again be charged until the tax is paid; but litigation to defeat the payment of the tax shall not be considered necessary litigation. Penalty for non-payment.

SEC. 9. (a) When any grant, gift, legacy, devise or succession upon which a tax is imposed by section two of this act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, and the market value thereof determined, in the manner provided in section sixteen or seventeen of this act, and the tax prescribed by this act shall be immediately due and payable to the treasurer of the proper county, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid; *provided*, that the person or persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case such person or persons, or body politic or corporate, shall execute a bond to the people of the State of California, in a penalty of twice the amount of tax arising upon personal estate, with such sureties as the said superior court may approve, conditioned for the payment of said tax and interest thereon at such time or period as they or their representatives may come into actual possession or enjoyment of such property, and conditioned further, that if said bond be not renewed, as herein provided, the amount of said tax and interest thereon shall immediately become due and payable. Said bond shall be filed in the office of the county clerk of the proper county and a certified copy thereof shall be immediately transmitted to the state controller; *provided, further*, that such person shall make a full Tax on limited estate due at death.

and verified return of such property to said court, and file the same in the office of the county clerk within one year from the death of the decedent, and within that period enter into such security, and renew the same every five years. If the same shall not be so renewed before the expiration of each five-year period the bond shall immediately become due and payable, and if the same be not paid forthwith the attorney general shall file an action in the name of the people of the state, on the relation of the controller, to recover the same.

No allowance on account of contingent incumbrance.

(b) In estimating the value of any estate or interest in property, to the beneficial enjoyment or possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made on account of any contingent incumbrance thereon, nor on account of any contingency upon the happening of which the estate or property or some part thereof or interest therein might be abridged, defeated or diminished; *provided, however*, that in the event of such incumbrance taking effect as an actual burden upon the interest of the beneficiary, or in the event of the abridgment, defeat or diminution of said estate or property or interest therein as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of such tax on account of the incumbrance when taking effect, or so much as will reduce the same to the amount which would have been assessed on account of the actual duration or extent of the estate or interest enjoyed. Such return of tax shall be made in the manner provided by section twelve hereof upon order of the court having jurisdiction.

Conditional estates taxable at highest rate.

(c) When property is transferred in trust or otherwise, and the rights, interest or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, a tax shall be imposed upon said transfer at the highest rate which, on the happening of any of the said contingencies or conditions, would be possible under the provisions of this act, and such tax so imposed shall be due and payable forthwith by the executors or trustees out of the property transferred; *provided, however*, that on the happening of any contingency whereby the said property, or any part thereof, is transferred to a person or corporation exempt from taxation under the provisions of this act, or to any person taxable at a rate less than the rate imposed and paid, such person or corporation shall be entitled to a return of so much of the tax imposed and paid as the difference between the amount paid and the amount which said person or corporation should pay under the provisions of this act. Such return of overpayment shall be made in the manner provided by section twelve of this act, upon order of the court having jurisdiction.

Estates in expectancy.

(d) Estates in expectancy which are contingent or defeasible and in which proceedings for the determination of the tax have not been taken or where the taxation thereof has been held in abeyance, shall be appraised at their full, un-

diminished value when the persons entitled thereto shall come into the beneficial enjoyment or possession thereof, without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation, upon which said estates in expectancy may have been limited.

(e) Where an estate for life or for years can be divested by the act or omission of the legatee or devisee it shall be taxed as if there were no possibility of such divesting.

Defensible estates.

(f) The value of every future, or contingent or limited estate, income or interest, shall, for the purposes of this act be determined by the rule, methods and standards of mortality and of value that are set forth in the actuaries' combined experience tables of mortality for ascertaining the value of policies of life insurance and annuities and for the determination of the liabilities of life insurance companies, save that the rate of interest to be assessed in computing the present value of all future interest and contingencies shall be five (5) per cent per annum. The insurance commissioner shall without a fee on the application of any superior court or of any inheritance tax appraiser determine the value of any future or contingent estate, income or interest therein limited, contingent, dependent or determinable upon the life or lives of persons in being, upon the facts contained in any such appraiser's application or other facts to him submitted by said appraiser or said court and certify the same in duplicate to such court or appraiser, and his certificate thereof shall be conclusive evidence that the method of computation therein is correct.

Determination of value of limited estates.

SEC. 10. (a) Any administrator, executor, or trustee having in charge or trust any legacy or property for distribution, subject to the said tax, shall deduct the tax therefrom, or if the legacy or property be not money he shall collect the tax thereon, upon the market value thereof, from the legatee or person entitled to such property, and he shall not deliver, or be compelled to deliver, any specific legacy or property subject to tax to any person until he shall have collected the tax thereon; and whenever any such legacy shall be charged upon or payable out of real estate, the executor, administrator, or trustee shall collect said tax from the distributee thereof, and the same shall remain a charge on such real estate until paid; if, however, such legacy be given in money to any person for a limited period, the executor, administrator, or trustee shall retain the tax upon the whole amount; but if it be not in money he shall make application to the superior court to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require.

Executor to deduct tax from legacy.

(b) All executors, administrators, and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled by law to do for the payment of debts of the

Sale of property to pay tax.

estate, and the amount of said tax shall be paid as hereinafter directed.

Tax pay-
able to
county
treasurer.

(c) Every sum of money retained by an executor, administrator, or trustee, or paid into his hands, for any tax on property, shall be paid by him, within thirty days thereafter, to the treasurer of the county in which the probate proceedings are pending.

Receipt.

SEC. 11. Upon the payment to any county treasurer of any tax due under this act, such treasurer shall issue a receipt therefor, in triplicate, one copy of which he shall deliver to the person paying said tax, and the original and one copy thereof he shall immediately send to the controller of state, whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof, and said controller shall retain one of said receipts, and the other he shall countersign and seal with the seal of his office, and immediately transmit to the clerk of the court fixing such tax. And an executor, administrator, or trustee shall not be entitled to credits in his accounts, nor be discharged from liability for such tax, nor shall said estate be distributed, unless a receipt so sealed and countersigned by the controller, or a copy thereof, certified by him, shall have been filed with the court. Any person shall, upon payment to the county treasurer of the sum of fifty cents, be entitled to a duplicate, or copy, of any receipt that may have been given by said treasurer for the payment of any tax under this act.

Refund.

SEC. 12. If any debts shall be proven against the estate of a decedent after the payment of any legacy or distributive share thereof, from which any such tax has been deducted or upon which it has been paid by the person entitled to such legacy or distributive share, and such person is required by order of the superior court having jurisdiction, on notice to the state controller, to refund the amount of such debts or any part thereof, an equitable proportion of the tax shall be repaid to him by the executor, administrator or trustee, if the tax has not been paid to the county treasurer; or if such tax has been paid to such county treasurer, such officer shall refund out of any inheritance tax moneys in his hands or custody such equitable proportion of the tax, and credit himself with the same in the account required to be rendered by him under this act. If, after the payment of any tax in pursuance of an order fixing such tax, made by the superior court having jurisdiction, such order be modified or reversed by the superior court having jurisdiction within two years from and after the date of entry of the order fixing the tax, or be modified or reversed at any time on an appeal taken therefrom within the time allowed by law on due notice to the state controller, the county treasurer shall refund to the executor, administrator, trustee, person or persons by whom such tax was paid, the amount of any moneys paid or deposited on account of such tax in excess of the amount of tax fixed by the order modified or reversed, out of any inheritance tax moneys in his hands or custody, and credit himself with the same in the account required to be rendered

by him to the controller on his semiannual settlement; but no application for such refund shall be made after one year from such reversal or modification, unless an appeal shall be taken therefrom, in which case no such application shall be made after one year from the final determination on such appeal or of an appeal taken therefrom, and the representatives of the estate, legatees, devisees or distributees entitled to any refund under this section shall not be entitled to any interest upon such refund, and the state controller shall deduct from the fees allowed by this act to the county treasurer the amount theretofore allowed him upon such overpayment. Where it shall be proved to the satisfaction of the superior court that deductions for debts were allowed upon the appraisal, since proved to have been erroneously allowed, it shall be lawful for such superior court to enter an order assessing the tax upon the amount wrongfully or erroneously deducted. This section, as amended, shall apply to appeals and proceedings now pending and taxes heretofore paid in relation to which the period of one year from such reversal or modification has not expired when this section, as amended, takes effect.

Refund.

SEC. 13. If a foreign executor, administrator or trustee shall assign or transfer any stock or obligation in this state standing in the name of a decedent, or in trust for a decedent, liable to any such tax, the tax shall be paid to the treasurer of the proper county on the transfer thereof. No safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control securities, deposits, or other assets, belonging to or standing in the name of a decedent who was a resident or non-resident or belonging to, or standing in the joint names of such a decedent and one or more persons, including the shares of the capital stock of, or other interest in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer herein provided, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or to the survivor or survivors when held in the joint names of a decedent and one or more persons, or upon their order or request, without retaining a sufficient portion or amount thereof to pay any tax and interest which may thereafter be assessed thereon under this act and unless notice of the time and place of such delivery or transfer be served upon the state controller and county treasurer at least ten days prior to said delivery or transfer; *provided*, that the state controller, or person by him in writing authorized so to do, may consent in writing to said delivery or transfer, and such consent shall relieve said safe deposit company, trust company, corporation, bank or other institution, person or persons from the obligation hereunder to give such notice or to retain any portion of said securities, deposits or other assets in their possession or control. And it shall be lawful for the state controller or county treasurer, personally or by representatives, to examine said securities, deposits or assets at the time of said

Notice of transfer of property of decedent to be given by banks, executors, etc.

Consent of controller.

Examination.

Penalty. delivery or otherwise. Failure to comply with the provisions of this section shall render such safe deposit company, trust company, corporation, bank or other institution, person or persons, liable to a penalty of not less than one thousand (1,000.00) dollars, nor more than twenty thousand (20,000.00) dollars, and in addition thereto said safe deposit company, trust company, corporation, bank or other institution, person or persons shall be liable for the amount of the taxes, interest and penalties due under this act on said securities, deposits, or other assets above mentioned, and said penalties and liabilities of said safe deposit company, corporation, bank or other institution, person or persons for the violation of this section may be enforced in an action brought by the state controller or county treasurer in any court of competent jurisdiction.

Appraisers. **SEC. 14.** The state controller shall appoint, and may at his pleasure remove, one or more persons in each county of the state to act as inheritance tax appraisers therein. Every such inheritance tax appraiser (in addition to any fees paid him as appraiser under section 1444 of the Code of Civil Procedure) shall be paid by the county treasurer out of any funds that he may have in his hands on account of said tax, on presentation of a sworn itemized account and on the certificate of the superior court, at the rate of five dollars per day for every day actually and necessarily employed in said inheritance tax appraisement, together with his actual and necessary traveling and other incidental expenses, and the fees paid such witnesses as he shall subpoena before him, which fees shall be the same as those now paid to witnesses subpoenaed to attend in courts of record; *provided*, that in any probate proceeding in which the executor or administrator shall have failed to have had the inheritance tax appraiser act as one of the appraisers under section 1444 of the Code of Civil Procedure and to have paid him his fees therefor, the expense of making the inheritance tax appraisement in this act provided for shall be paid out of said estate, and the executor or administrator thereof shall be liable for said fee. Any such appraiser who shall take any fee or reward, other than such as may be allowed him by law, from any executor, administrator, trustee, legatee, next of kin, or heir of any decedent, or from any other person liable to pay said tax, or any portion thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or be imprisoned in the county jail ninety days, or both, and in addition thereto the court shall dismiss him from such service.

Compensation.

Jurisdiction of superior court. **SEC. 15.** The superior court in the county in which is situate the real property of a decedent, who was not a resident of the state, or if there be no real property, then in the county in which any of the personal property of such non-resident is situate, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the

provisions of this act; the court first acquiring jurisdiction hereunder shall retain the same, to the exclusion of every other; *provided*, that the superior court having acquired jurisdiction in probate of the estate of a decedent shall hear and determine in said probate proceedings all questions in relation to any tax arising under the provisions of this act: (a) Upon property passing in said probate proceedings. (b) Upon any other property transferred, within the meaning of subdivision 3 of section 2 of this act, to any person, institution or corporation taking any property under and by virtue of said probate proceedings.

SEC. 16. (a) When any superior court, having jurisdiction in probate of the estate of any decedent, or a judge of such court, shall, in accordance with section 1444 of the Code of Civil Procedure, appoint the appraiser or appraisers in said section provided for, said superior court or judge thereof shall also at the same time designate and appoint an inheritance tax appraiser (unless such designation and appointment be previously made to ascertain and report to said superior court the amount of inheritance tax due upon any property passing in said probate proceeding, or a lien thereon, or upon any other property transferred within the meaning of subdivision 3 of section 2 of this act, to any person, institution or corporation taking property under and by virtue of said probate proceedings, together with such other or additional information as shall assist said court in the determination of said tax. Thereupon said inheritance tax appraiser shall have all the powers of a referee of said superior court, and shall have jurisdiction to require the attendance before him of the executor or administrator of said estate, or any person interested therein, or any other person whom he may have reason to believe possesses knowledge of the estate of said decedent, or knowledge of any property transferred by said decedent within the meaning of this act, or knowledge of any facts that will aid said appraiser or the court in the determination of said tax. For the purpose of compelling the attendance of such person or persons before him, and for the purpose of appraising any property or interest subject to, or liable for any inheritance tax hereunder, and for the purpose of determining the amount of tax due thereon, the said inheritance tax appraiser is hereby authorized to issue subpoenas compelling the attendance of witnesses before him. And he may examine and take the evidence of such witnesses or of such executor or administrator, or other person under oath concerning such property and the value thereof, and concerning the property or the estate of such decedent subject to probate, and concerning any transfer made by such decedent within the meaning of this act. Upon the completion of his inheritance tax appraisalment in any probate proceeding, the inheritance tax appraiser shall make a report in writing to the superior court of the clear market value of the several interests in the estate of the decedent, and shall report the

Procedure by appraiser in probate.

Report of market value.

amount of inheritance or transfer tax chargeable against, or a lien upon such interests, acquired by virtue of said probate proceedings or by any transfer within the meaning of this act to any person, institution or corporation acquiring any property by virtue of said probate proceedings together with such other facts as may advise the court in regard thereto, or which the court may require, and may return to said superior court such depositions as he may have had reduced to writing, exhibits, or other testimony or information taken before him, or submitted to him.

Notice
of filing.

(b) Upon the filing of said report said appraiser shall mail a copy thereof to the state controller and the clerk of said superior court shall forthwith give notice of such filing to all persons interested in such proceedings, by posting, and in addition thereto shall forthwith mail to the state controller and to the county treasurer, and to all persons chargeable with any tax in said report who have appeared in such proceeding, a copy of said notice. At any time after the expiration of ten days thereafter, if no objection to said report be filed, the said superior court may give and make its order confirming said report and fixing the tax in accordance therewith. At any time prior to the making of said order, any person interested in said proceeding (including the state controller or the county treasurer) may file objections in writing to said report. Thereupon said superior court shall, by order, fix a time, not less than ten days thereafter, for the hearing thereof, and shall direct the clerk of said superior court to give such notice thereof as it shall deem necessary; *provided*, that a copy of such notice and of such objections shall be forthwith mailed to the state controller, county treasurer and inheritance tax appraiser. Upon the hearing of said objections, said court may make such order as to it may seem meet and proper in the premises.

Order
fixing tax.

Objections.

Certificate
of no tax
due.

(c) Provided that, if, upon examination of the executor or administrator of said estate or other persons familiar with the affairs of such decedent, or from other information before him, it shall appear to the inheritance tax appraiser that there is no inheritance tax due out of said estate or a lien upon any property or interest therein, said appraiser may so certify to the superior court, and at any time thereafter, said superior court may order or decree that there are no inheritance taxes due out of said estate or upon any interest therein or may make such different order as may to it seem meet in the premises.

Citation
to parties
in cases of
transfer
without
probate.

SEC. 17. If it shall appear to the superior court upon petition of the state controller or the county treasurer or any other interested person that any transfer has been made within the meaning of this act, and the taxability thereof, and the liability for such tax and the amount thereof have not been determined, and that no proceedings are pending in any court in this state wherein the taxability of such transfer and the liability therefor and the amount hereof may be determined,

said court shall issue a citation ordering and directing the persons who may appear liable therefor or known to own any interest in or part of the property transferred, to appear before said court or before an inheritance tax appraiser to be designated by said order at a time and place in said order named, not less than ten days nor more than ninety days from the date of such order, to be examined under oath by said court or by said appraiser as the case may be, concerning said transfer and all facts connected therewith, and concerning the property transferred and the character and value thereof.

If said person or persons shall be directed to appear before said appraiser, said appraiser shall, at the time and place in said order named, or at such time and place to which said appraiser may adjourn said hearing, proceed to examine said person or persons and such witnesses as said appraiser may subpoena before him, and for the purpose of said hearing, and for the purpose of ascertaining any facts concerning the taxability of said transfer or any taxes due on account of such transfer, said appraiser shall have the powers of a referee of said court, and, is hereby authorized to issue subpoenas compelling the attendance of witnesses before him, and to administer oath, and to take the evidence of such witnesses under oath concerning such property and the value thereof and concerning such transfer. Said appraiser shall report to said court his findings and conclusions in relation to said transfer and said tax, and may return to said court, any depositions, exhibits or other testimony or information taken before him or exhibited to him. The procedure subsequent to the filing of said report shall conform to subdivision (b) of section sixteen of this act.

Appearance before appraiser.

Except as herein otherwise provided, the service of such citation and the time, manner and proof thereof, and the hearing and determination thereon, and the hearing and determination upon the facts returned in such report, and the enforcement of the determination or decree, shall conform to the provisions of chapter XII of title XI of part III of the Code of Civil Procedure, and the clerk of the court shall, upon the request of the state controller or the treasurer of the county, furnish, without fee, one or more transcripts of such decree, and the same shall be docketed and filed by the county clerk of any county in the state, without fee, in the same manner and with the same effect as provided by section six hundred and seventy-four of said Code of Civil Procedure for filing a transcript of an original docket.

Procedure to follow Code of Civil Procedure.

The superior court may hear the said cause upon the relation of the parties and the testimony of witnesses, and evidence produced in open court, and, if the court shall find said property is not subject to any tax, as herein provided, the court shall, by order, so determine; but if it shall appear that said property, or any part thereof, is subject to any such tax, the same shall be appraised and taxed as in other cases.

Appearance before court.

SEC. 18. If, after the expiration of eighteen months from

Action to
collect tax.

the accrual of any tax under this article, such tax shall remain due and unpaid, after the refusal or neglect of the persons liable therefor to pay the same, the county treasurer shall notify, or the state controller may notify, the district attorney of the county in writing of such failure or neglect, and such district attorney shall bring and prosecute an action or actions in the name of the state as plaintiff, for the recovery of such tax and for the purpose of enforcing any lien or liens against all or any of the property subject thereto. In any such action the owner of any property or of any interest in property against which the lien of any such tax is sought to be enforced, and any predecessor in interest of any such owner whose title or interest was derived through any such decedent by will or succession or by decree of distribution of the estate of such decedent, and any lienor or incumbrancer subsequent to the lien of such tax may be made a party defendant. The enumeration in this section of the persons who may be made defendants shall not be deemed to be exclusive, but the joinder or non-joinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases.

Quieting
title.

(a) Actions may be brought against the state for the purpose of quieting the title to any property, against the lien or claim of lien of any tax or taxes under this act, or for the purpose of having it determined that any property is not subject to any lien for taxes under this act. In any such action, the plaintiffs may be any administrator or executor of the estate or will of any decedent, whether the said estate shall have been fully administered and the estate settled and closed or not, and any heir, legatee or devisee of any such decedent, or trustee of the estate or of any part of the estate of such decedent, or distributee of the estate or of any part of the estate of any such decedent, and any assignee, grantee or successor in interest of any of such persons, and all or any other persons who might be made parties defendant in any action brought by the state under the provisions of this section, and notwithstanding that all or any of the persons enumerated in this section shall or may have assigned, granted, conveyed or otherwise parted with all or any interest in or title to the property, or any thereof, involved in any such claim of lien before the commencement of such action. All or any of the persons in this action enumerated may be joined or united as parties plaintiff. The enumeration in this section of the persons who may be made parties shall not be deemed to be exclusive, but the joinder or non-joinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases. In all cases any person who might properly be a party plaintiff in any such action who refuses to join as plaintiff may be made a defendant.

Jurisdic-
tion.

(b) All actions under this section shall be commenced in the superior court of the county in which is situated any part of any real property against which any lien is sought to be enforced, or to which title is sought to be quieted against any

lien, or claim of lien; but if in said action no lien against real property is sought to be enforced, the action shall be brought in the superior court of the county which has or which had jurisdiction of the administration of the estate of the decedent mentioned herein.

(c) Service of summons in the actions brought against the state shall be made on the controller of state and on the district attorney of the county in which the estate of the decedent mentioned herein is being administered, or has been administered in probate proceedings, and it shall be the duty of said district attorney to defend all such actions. Service of summons.

(d) The procedure and practice in all actions brought under this section, except as otherwise provided in this act, shall be governed by the provisions of the Code of Civil Procedure in relation to civil actions, so far as the same shall or may be applicable, including all provisions relating to motions for new trials and appeals. Procedure.

(e) The remedies provided in this section shall be in addition to and not exclusive of any remedies provided in the sections preceding this section. Remedies additional.

SEC. 19. Whenever the treasurer of any county or an inheritance tax appraiser therein, or the controller shall have reason to believe that any transfer has been made within the meaning of this act and that a tax due thereon remains undetermined and unpaid, he may notify the district attorney in writing of such transfer, and the district attorney, if he have probable cause to believe a tax is due, and remains undetermined, shall prosecute the necessary proceeding in the superior court to determine and fix such tax and for the enforcement and collection thereof. Said district attorney shall be allowed his actual and necessary expenses incurred in such proceeding out of any inheritance tax moneys in the hands of the county treasurer on order of the superior court. Duties of district attorney.

SEC. 20. The treasurer of each county shall collect and pay the state treasurer all taxes that may be due and payable under this act, who shall give him a receipt therefor; of which collection and payment he shall make a report, under oath, to the controller, between the first and fifteenth days of May and December of each year, stating for what estate paid, and in such form and containing such particulars as the controller may prescribe; and for all such taxes collected by him and not paid to the state treasurer by the first day of June and January of each year he shall pay interest at the rate of ten per centum per annum. Duties of county treasurer.

SEC. 21. The treasurer of each county shall be allowed to retain, on all taxes paid and accounted for by him each year under this act, in addition to his salary or fees now allowed by law, three per centum of the first fifty thousand dollars so paid and accounted for by him, one and one half per centum on the next fifty thousand dollars so paid and accounted for by him, and one half of one per centum on all additional sums so paid and accounted for by him; *provided*, that no county treasurer shall be entitled to retain to his own use more than Fees of county treasurer.

the sum of two hundred dollars out of the inheritance taxes paid on account of any transfer or transfers made by, or resulting from the death of, any one decedent, nor more than three thousand dollars out of the total inheritance taxes accounted for in any one year.

Employment by controller of special attorneys, etc.

SEC. 22. The state controller, whenever he shall be cited as a party in any proceeding or action to determine any tax under this act provided, or whenever he shall deem it necessary for the better enforcement of this act to make any special employment to secure evidence of evasion of said tax, or to commence or appear in any proceeding or action to determine any tax hereunder, may, by and with the consent and approval of the attorney general, make such special employment or designate and employ counsel or attorney in or out of this state to represent him on behalf of the state, and, by and with such consent of the attorney general, he is hereby authorized to incur the necessary expense for such employment and any reasonable and necessary expense incident thereto. And the county treasurer is hereby authorized and directed to pay out of any funds which may be in his hands on account of this tax, on presentation of a sworn itemized account and on certificate of the state controller and attorney general, all expenses incurred as in this section above provided, but no expense for such special employment or legal services, up to and including the entry of the order of the court fixing the tax and the same becoming final, shall exceed ten per centum of the tax and penalties collected; *provided*, that all reasonable and necessary expenses incurred, in any legal action or proceeding in any court of this state or on any appeal therefrom, other than attorney's fees, including expense of serving processes and printing and preparing of necessary legal papers, may be allowed and paid in the manner above provided, even though no tax be recovered in such action or proceeding, and the limitations herein made shall not apply thereto.

Disposition of taxes collected.

SEC. 23. All taxes levied and collected under this act, up to the amount of two hundred and fifty thousand dollars annually, shall be paid into the treasury of the state, for the uses of the state school fund, and all taxes levied and collected in excess of two hundred and fifty thousand dollars annually shall be paid into the state treasury to the credit of the general fund thereof.

Delinquency of officials.

SEC. 24. Every officer who fails or refuses to perform, within a reasonable time, any and every duty required by the provisions of this act, or who fails or refuses to make and deliver within a reasonable time any statement or record required by this act, shall forfeit to the State of California the sum of one thousand dollars, to be recovered in an action brought by the attorney general in the name of the people of the state on the relation of the controller.

Constitutionality of act.

SEC. 25. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it

would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SEC. 26. An act entitled "An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers; to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and for suits to quiet title against claims of lien arising hereunder; to repeal an act entitled 'An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers; to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and for suits to quiet title against claims of lien arising hereunder; to repeal an act entitled "An act to establish a tax on collateral inheritances, bequests and devises; to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and to repeal all acts and parts of acts in conflict with this act,' approved March 20, 1905, and all amendments thereto and all acts and parts of acts in conflict with this act," approved April 7, 1911, and all amendments thereto, and all acts and parts of acts in conflict with this act are hereby expressly repealed; *provided, however,* that such repeal shall in nowise affect any suit, prosecution or court proceeding pending at the time this act shall take effect, or any right which the State of California may have at the time of the taking effect of this act, to claim a tax upon any property under the provisions of the act or acts hereby repealed, for which no proceeding has been commenced; nor affect any appeal, right of appeal in any suit pending, or orders fixing tax, existing in this state at the time of the taking effect of this act.

Repealed.

Saving clause.

CHAPTER 596.

An act to provide for the levy and collection of taxes for the support of the state government for the sixty-fifth and sixty-sixth fiscal years.

[Approved June 16, 1913. In effect immediately.]

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

SECTION 1. The state board of equalization shall, between the first Monday in March and the first Monday in July in the year one thousand nine hundred and thirteen, for the support of the state government assess and levy the taxes upon the property in the manner and upon the rates of taxation as provided for in subdivisions *a, b, c,* and *d.* of section fourteen of article thirteen of the constitution of the State of California, or if any rate of taxation shall have been changed by the legislature pursuant to subdivision *f* of said section and

Tax levy for support of state government for 65th fiscal year.

article, then upon such rate of taxation as so changed and fixed, for the purpose of raising the sum of fourteen million seven hundred forty-eight thousand eight hundred dollars for annual expenditure for the support of the state government for the sixty-fifth fiscal year and in the event that the taxes so assessed and levied together with all available revenues other than those revenues required by law to be used for special uses, shall, not raise said sum of fourteen million seven hundred forty-eight thousand eight hundred dollars, then said above named revenues shall be deemed insufficient to meet the annual expenditures of the state for the sixty-fifth fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation as provided for in subdivisions *a*, *b*, *c*, and *d* of section fourteen of article thirteen of said constitution, or if any rate of taxation shall have been changed by the legislature pursuant to subdivision *f* of said section and article, then upon such rate of taxation as so changed and fixed, together with all other state revenues, other than those revenues required by law to be used for special uses, and said sum of fourteen million seven hundred forty-eight thousand eight hundred dollars, then said state board of equalization shall in accordance with the provisions of subdivision *e* of said section fourteen of article thirteen of the constitution of the State of California, between the first and second Mondays in September of the said sixty-fifth fiscal year, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property, upon all the property in the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred and ten as, after allowing five per cent for delinquencies, will raise for said sixty-fifth fiscal year the amount of said deficiency.

Ad
valorem
tax.

Tax levy
for sup-
port of
state gov-
ernment
for 65th
fiscal year

SEC. 2. The state board of equalization shall, between the first Monday in March and the first Monday in July in the year one thousand nine hundred and fourteen for the support of the state government, assess and levy the taxes upon the property in the manner and upon the rates of taxation as provided for in subdivisions *a*, *b*, *c*, and *d* of section fourteen of article thirteen of the constitution of the State of California, or if any rate of taxation shall have been changed by the legislature pursuant to subdivision *f* of said section and article, then upon such rate of taxation as so changed and fixed, for the purpose of raising the sum of fourteen million nine hundred eight thousand nine hundred dollars for annual expenditure for the support of the state government for the sixty-sixth fiscal year and in the event that the taxes so assessed and levied together with all available revenues other than those revenues required by law to be used for special uses, shall not raise said sum of fourteen million nine hundred eight thousand nine hundred dollars, then said above named revenues

shall be deemed insufficient to meet the annual expenditures of the state for the sixty-sixth fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation as provided for in subdivisions *a*, *b*, *c*, and *d* of section fourteen of article thirteen of said constitution, or if any rate of taxation shall have been changed by the legislature pursuant to subdivision *f* of said section and article, then upon such rate of taxation as so changed and fixed, together with all other state revenues other than those revenues required by law to be used for special uses, and said sum of fourteen million nine hundred eight thousand nine hundred dollars, then said state board of equalization shall in accordance with the provisions of subdivision *e* of said section fourteen of article thirteen of the constitution of the State of California, between the first and second Mondays in September of said sixty-sixth fiscal year, fix such an *ad valorem* rate of taxation upon each one hundred dollars in value of taxable property, upon all the property in the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred and ten as, after allowing five per cent for delinquencies, will raise for said sixty-sixth fiscal year, the amount of said deficiency.

Ad valorem tax.

SEC. 3. The taxes by this act directed to be levied as provided for in subdivision *e* of section fourteen of article thirteen of the constitution of the State of California shall for the sixty-fifth fiscal year be levied upon the assessed valuation of all the property in the State of California subject to taxation as said assessment thereof was made and returned for said sixty-fifth fiscal year for the purpose of levying and collecting the taxes required to be levied and collected under the provisions of section twenty-two of article four of said constitution as that section was amended on the eighth day of November in the year one thousand nine hundred and ten and the taxes by this act directed to be levied as provided for in subdivision *e* of section fourteen of article thirteen of the constitution of the State of California shall, for the sixty-sixth fiscal year, be levied upon the assessed valuation of all property in the State of California subject to taxation as said assessment thereof was made and returned for said sixty-sixth fiscal year for the purpose of levying and collecting the taxes under the provisions of said section twenty-two of article four of said constitution.

Valuations of property on which levies are made

SEC. 4. The taxes directed to be levied and collected by this act in conformity with the provisions of subdivision *e* of section fourteen of article thirteen of the constitution of the State of California shall, for each of said fiscal years, be collected and paid over to the state treasurer in the manner and at the times provided for in title nine, part three of the Political Code as said title and part of said code were in force on the seventh day of November in the year one thousand nine hundred and ten in so far as the sections thereof provide for the

Collection of taxes.

collection and payment to the state treasurer of taxes heretofore levied and collected for state purposes.

Current
expenses.

SEC. 5. This act, inasmuch as it provides for a tax levy for the usual current expenses of the state shall, under the provisions of section one of article four of the constitution of the State of California, take effect immediately.

CHAPTER 597.

An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and scaling thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the state's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act, including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Office of
superintend-
ent of
weights
and
measures
created.

SECTION 1. There is hereby created the office of state superintendent of weights and measures. Within thirty days after this act becomes effective, the governor shall appoint a suitable person as state superintendent of weights and measures. Wherever in this act the term superintendent or state superintendent is used, it shall be taken as referring to and meaning state superintendent of weights and measures.

Term.

SEC. 2. The term of office of state superintendent of weights and measures shall be four years, or until his successor shall have been appointed and qualified, but he shall always be subject to removal at the pleasure of the governor.

Salary.

The salary of state superintendent of weights and measures shall be thirty-six hundred dollars per annum, payable in the same manner as other state officers are paid. Before entering upon his duties he shall execute a bond to the state in the sum of five thousand dollars conditional upon the faithful performance of his duties.

Bond.

Deputies.

SEC. 3. The state superintendent may appoint a deputy who shall have the same powers as the state superintendent.

Such deputy shall receive a salary of eighteen hundred dollars per annum, payable in the same manner as other state officers are paid. He shall be at all times subject to removal at the pleasure of the state superintendent. The state superintendent may also appoint additional deputies from time to time to serve as sealers of weights and measures at the request of counties, as provided in section 16 of this act. Such deputies when actually employed shall be paid at the rate of one hundred and fifty (\$150.00) dollars per month by the county engaging their services and not by the state. They also shall receive their actual traveling expenses from such county.

SEC. 4. The state superintendent and his deputy shall each be allowed their actual traveling expenses, to be approved by the state board of control in the same manner as other claims against the state. The state superintendent shall also be allowed necessary office expenses to be approved by the state board of control in the same manner as other claims against the state.

Traveling and office expenses.

SEC. 5. The standards of weights and measures received from the United States under a resolution of congress approved June 14, 1836, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or renewal thereof, and such as shall be procured by the state in conformity therewith and certified by the national bureau of standards, shall be the state standards by which all state, county and municipal standards of weights and measures shall be tried, proved and sealed.

Standards of weights and measures

SEC. 6. The standards referred to in the preceding section shall be kept by the state superintendent in a safe and suitable place in his office from which they shall not be removed except for repairs or certification. He shall maintain such standards in good order and shall submit them at least once in ten years to the national bureau of standards for certification. Upon demand the secretary of state shall deliver to the state superintendent all standards now under the control and in the possession of the secretary of state in his capacity of ex officio state sealer of weights and measures. The state superintendent shall thereupon submit such standards received from the secretary of state to the national bureau of standards for certification, and he shall replace such standards as are incorrect and purchase such additional standards as shall be necessary to complete and make up a complete standard of weights and measures as required by this act. He shall also purchase such apparatus as shall be found necessary to a proper prosecution of the work of the office. The state superintendent of weights and measures may establish tolerances for use in the State of California similar to the tolerances established by the national bureau of standards.

Custody of standards.

Tolerances.

SEC. 8. The state superintendent shall, at the request of the legislative body of any county, city, town, or city and county, furnish to said county, city, town or city and county, copies of the standard weights and measures of the state; such

Copies furnished cities, etc.

copies shall be furnished at the expense of the county, city, town or city and county requesting the same. He shall upon request of the legislative body of any county, city, town, city and county or upon the request of a sealer of weights and measures of any such county, city, town or city and county, appointed pursuant to the provisions of this act, test and accurately approve copies of the state's standards of weights and measures procured by any such county, city, town or city and county to be used by a sealer of weights and measures in the performance and discharge of his duties. Copies furnished under the provisions of this section or copies tested and approved by the state superintendent under the provisions of this section shall be true and correct; shall be sealed and certified to by the state superintendent and stamped with the letter "C." Such copies need not be of the same material or construction as the standards of the state and such copies may be furnished in any suitable materials or construction that the county, city, town, or city and county requiring the same may specify, subject to the approval of the state superintendent.

Inspection of standards used by cities, etc.

Testing.

Expense of testing.

Complete set of copies.

SEC. 9. The state superintendent shall inspect and correct the standards used by each county, city, town and incorporated city and county of the state, and at least once in two years compare the same with those in his possession and keep a record of the same, and where not otherwise provided by law he shall have general supervision of the weights and measures and weighing and measuring devices offered for sale, sold or in use in the state. Sealers of weights and measures appointed under the provisions of this act shall, upon the request of the state superintendent, deliver to the state superintendent at his office the copies of the state's standards of weights and measures in their possession, and used in the discharge and performance of their duties, for verification and certification by the state superintendent. The actual expense of such comparison and verification shall be borne by the county, city, town or city and county whose weights and measures are compared and verified. In addition to the standards heretofore referred to and required to be kept by the state, the state shall also have a complete set of copies of said original standards of weights and measures adopted by this act, which shall be used for adjusting county and municipal standards by the state superintendent and his deputy in the performance of their duties, and the original standards shall not be used except for the adjustment of this set of copies and for certification purposes. Additional complete sets of copies of such original standard of weights and measures may be purchased by the superintendent when the same are necessary for use by any deputy state superintendent employed by counties under section 16 of this act. The state, however, shall be reimbursed for the purchase of such copies by the county in which the same are used, in the manner hereinafter provided.

SEC. 10. The state superintendent or his deputy shall, at

least once annually and as often as requested by the state board of control or the executive officers of the institutions herein referred to, test the scales, weights and measures used in checking the receipt and disbursement of supplies in every institution conducted by the state, and he shall report in writing his findings to the executive officer of the institution concerned and to the state board of control.

Testing of weights and measures used by state institutions.

SEC. 11. The state superintendent or his deputy shall at least once in two years visit the various cities and counties of the state and inspect the work of the local sealers of weights and measures, and in the performance of said duties he or his deputy may inspect the weights, measures, balances or any other weighing or measuring devices of any person, firm or corporation. The state superintendent and his deputy shall have all the powers of sealers of weights and measures provided for in this act.

Inspecting work of local sealers.

SEC. 12. The state superintendent, if he discovers that any sealer of weights and measures appointed under the provisions of this act has refused or neglected to perform the duties of his office, or is guilty of any malfeasance in office, shall report such failure, neglect or malfeasance to the body, officer or board having the power to remove such sealer of weights and measures. It shall be unlawful for the state superintendent, his deputies, or any sealer of weights and measures to keep for sale, or offer or expose for sale, or to sell to any person, firm, or corporation, or dealer in goods, wares and merchandise, doing or intending to do business in the State of California any weighing or measuring instrument, or to be interested directly or indirectly in the sale of any weighing or measuring instrument.

Report on sealers neglecting duties.

Not to sell weighing instruments.

SEC. 13. It shall be the duty of the state superintendent to investigate conditions in the various counties, cities and towns of the state in respect to weights and measures, and to the sale of goods, wares and merchandise, commodities and foodstuffs in containers. The state superintendent shall annually report to the governor, and shall prior to each regular session report to the legislature the work of his office, and shall make such recommendations as he shall deem proper and necessary.

Investigate conditions in state.

Annual report.

SEC. 14. The state superintendent shall issue instructions and make recommendations to the county and municipal sealers of weights and measures, appointed under the provisions of this act, and such instructions and recommendations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

Instructions to sealers.

SEC. 15. The state superintendent shall keep in his office a complete record of all acts done by him and a record of all prosecutions for violation of the provisions of this act, and the reports of the various sealers of weights and measures appointed under the provisions of this act, which records and reports shall always be open to the public.

Record of acts done.

SEC. 16. The office of sealer of weights and measures is hereby created. Whenever in this act the term "sealer" is

Office of
sealer of
weights
and
measures
created.

Term.

Deputies.

Superin-
tendent
may act
for
counties.

Appoint-
ment of
sealers.

used, the same shall be taken to mean and refer to sealer of weights and measures. Within one hundred and twenty days after the approval of this act by the governor, it shall be the duty of the board of supervisors of each of the counties of the state except as hereinafter provided, to appoint a sealer of weights and measures for their respective counties, who shall receive as compensation the sum of five dollars per day for each day actually employed in the service of the county, to be audited and paid as other claims against the county. He shall be allowed his traveling expenses actually and necessarily incurred in the performance of his duties. The term of office of such sealer of weights and measures shall be four years, but he shall be subject to removal at the will of such board. A sealer appointed under this act may, with the consent of the board of supervisors of the county appointing him, appoint a deputy or deputies when necessary or expedient to carry out the provisions of this act. The compensation of such deputies shall be the same as the county sealer and paid in the same manner. Such deputies shall always be subject to removal by the sealer of weights and measures. In case the legislative body of any county shall not appoint a sealer for such county, such body must apply in writing to the state superintendent for the assignment of a deputy superintendent, who shall perform all the duties of sealer in such county, as provided in this act to be performed by county sealers. And it shall be the duty of such superintendent on such application, as soon as practicable, to make such assignment and to provide copies of the original standard of weights and measures for use by said deputy in such county. The actual cost of such services shall be paid by the county in the same manner in which other claims against the county are paid. The amount to be paid shall be at the rate of one hundred and fifty (\$150.00) dollars per month for the time such deputy superintendent is employed in such county in addition to the actual traveling expenses of such deputy made necessary by such appointment. The county shall also stand its proportionate share of the actual cost of the set of copies to be used in such county by such deputy, at the rate of one-twelfth of the cost thereof for every month such copies are employed therein during the first year of their use, and in that event such county may at any time pay the balance of the cost of such copies and become the owner thereof, or the county may pay rental to the state for the use of such copies at the rate of ten per cent per annum of the cost price thereof.

SEC. 17. The legislative body of any county, or city and county or of any city or town may appoint a sealer of weights and measures, fix his compensation and provide for the appointment by the sealer of such number of deputies as the said legislative bodies may deem necessary and expedient. Such sealer and deputies shall each receive as compensation the sum of five dollars per day for each day actually employed in the service of such county or city and county or city or town.

The term of office of sealer of weights and measures appointed under the provisions of this section shall be four years. He shall be subject to removal by the power appointing him. Deputies appointed under the provisions of this section shall be subject to removal by the sealer. In counties of the second class and cities of the first class the sealer shall receive as compensation the sum of twenty-four hundred dollars per year and shall be allowed four deputies, who shall receive as compensation the sum of eighteen hundred dollars per annum, each payable in the same manner as the salaries of other county officers are paid.

Term.
In counties of second class.

SEC. 18. The jurisdiction of a sealer appointed or a deputy state sealer employed for a county shall extend over the entire territorial limits of the county appointing such sealer, except within the territorial limits of those cities and towns within which sealers have been appointed under the provisions of this act. The jurisdiction of the sealer of weights and measures appointed by the legislative body of any city or town under the provisions of this act shall extend over the entire territorial limits of such city or town.

Jurisdiction of sealers.

SEC. 19. This act shall not affect the appointment of any sealer of weights and measures heretofore appointed for any city, town or city and county under any law, but such sealers shall perform the duties of the office under the provisions of this act, and shall possess the same powers and duties as sealers appointed under the provisions of this act.

Sealers appointed heretofore not affected.

SEC. 20. Except as herein otherwise provided the board of supervisors or legislative body of each county, city, town and city and county of the state shall, upon the appointment of a sealer under the provisions of this act, provide and procure for their respective county, city, town and city and county, copies of the state's standards of weights and measures at the expense of such county, city, town or city and county; such copies shall be verified and certified to by the state superintendent of weights and measures as in section eight of this act provided.

Copies of standards for counties, etc.

SEC. 21. Sealers appointed under the provisions of this act shall, at least every two years, cause to be proved and tested by the state superintendent copies of the state's standards in their possession. If, upon such inspection, or any inspection by the state superintendent, the copies of the weights and measures tested shall be found to be incorrect, the same shall be adjusted, if the same are susceptible of being adjusted, but if not, new copies shall be procured and certified to in the same manner as original copies.

Copies to be tested.

SEC. 22. In any prosecution for a violation of any of the provisions of this act any copy of the standards of weights and measures of the state furnished, procured and certified to under the provisions of this act, shall be admitted in evidence upon the trial, and such copy shall be deemed prima facie true and correct.

Copies deemed correct.

SEC. 23. It shall be the duty of any sealer of weights and measures to carefully preserve all copies of the standards of

Duties of sealers.

weights and measures in his possession, and to keep the same in a safe and suitable place when not actually in use; and it shall be his duty annually and at such other times as the state superintendent may require, to file with such superintendent a written report of the work done by him of the weights, measures, weighing and measuring instruments inspected or tested by him and of the result of such inspection, of all prosecutions instituted by him for violations of the provisions of this act and of all other matters and things pertaining to his duties or which may be required by the state superintendent

Dealers in weighing and measuring instruments to have same tested.

SEC. 24. Every person using or keeping for use or having or offering for sale weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures within a county, city, town, or city and county in which there has been appointed a sealer under the provisions of this act, shall within three months after the appointment of such sealer cause all such weights, scales, beams, measures of every kind, instruments or mechanical device for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures to be sealed and marked by the sealer of weights and measures of the county, city, town or city and county in which the same are used, kept for use or kept or offered for sale.

Instruments must be tested before sale.

SEC. 25. No weight, scale, beam, measure of any kind, instrument or mechanical device for weighing or measurement, nor tools, appliances or accessories connected with any or all of such instruments or measures shall be used, kept for use, sold, offered for sale or kept for sale in any county, city, town or city and county, in which there is a sealer appointed under the provisions of this act and in which for three months there has been continuously in office in such county, city, town or city and county a sealer, unless such weight, scale, beam, measure of any kind, instrument or mechanical device for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures shall have been sealed and tested as in this act provided.

Instruments which may be sold.

SEC. 26. When any weight, scale, beam, measure of any kind, instrument or mechanical device for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measurements have been tested and found correct by any sealer appointed under the provisions of this act, the same may be used, kept for use, offered for sale, sold, or kept for sale within any county, city, town or city and county of this state for one year without any further test. Any weight, scale, beam, measure of any kind, instrument or mechanical device for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures, which have been tested and sealed and certified to as correct by the national bureau of standards, may be kept for sale, sold or offered for sale without

being first tested and sealed by a sealer as in this act provided. But all such weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing or measurement, and tools, appliances and accessories connected with any or all such instruments or measures shall always be subject to inspection and testing as herein provided, notwithstanding that the same have been tested and sealed either by a sealer appointed under the provisions of this act or by the national bureau of standards.

Subject to inspection.

SEC. 27. Any scale, beam or mechanical device for weighing or measuring, which, after being sold and before being used for weighing or measuring it is necessary to assemble or set up, may be sold, kept for sale, or offered for sale without first being tested and sealed as in this act provided; but such scale, beam or mechanical device for weighing or measuring, before being used for weighing or measuring, must be tested and sealed as in this act provided.

Testing of devices which must be assembled before use.

SEC. 28. Upon a written request of any resident of a county, city, town or city and county, in which there has been appointed a sealer under the provisions of this act, there appearing reasonable ground therefor, the sealer for such county, city, town or city and county shall test or cause to be tested, as soon thereafter as is practicable, the weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing or measurement, tools, appliances and accessories connected with any or all such instruments or measurements used in buying or selling by the person, firm or corporation, designated in such request. Upon the written request of any person, firm or corporation, using, having for use, selling, keeping or offering for sale any weight, scale, beam, measure of any kind or instrument or mechanical device for weighing or measurement, tools, appliances and accessories connected with any or all such instruments or measures, in any county, city, town, or city and county in which there has been appointed a sealer under the provisions of this act, the sealer for such county, city, town or city and county shall test or cause to be tested, as soon thereafter as is practicable, the weights, scales, beams, measures of any kind, instrument or mechanical device for weighing or measurement, tools, appliances and accessories connected with any or all such instruments or measures belonging to or used by such person, firm or corporation; but such written request shall not relieve the person, firm or corporation making it from any violation of the provisions of this act or of the responsibility provided in this act for using, keeping for use, selling or offering to sell, or keeping for sale, any false weight, scale, beam, measure of any kind, instrument or mechanical device for weighing or measurement, tools, appliances and accessories connected with any or all such instruments or measures.

Testing upon request of resident.

Testing upon request of firm, etc., using.

Not relieved from violation.

SEC. 29. The sealer shall, within his county, city, town or city and county, inspect, try, test all weights, scales, beams, measures of any kind, instruments or mechanical

Duties of sealers.

devices for weighing or measurements, and tools, appliances and accessories connected with any or all such instruments or measures, kept for the purpose of sale, sold, or used by any proprietor, agent, lessee or employee in proving the size, quantity, extent, area, weight or measurement of quantities, things, produce, articles for distribution or consumption, purchased or offered or submitted by such person or persons for sale, hire or award and ascertain if the same are correct; and he shall have the power to and shall, from time to time, weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale or sold, or in the process of delivery, in order to determine whether the same contain the quantity or amount represented and whether they are being offered for sale or sold in accordance with law and may seize for use as evidence any such amounts of commodities or package or packages which shall be found to contain a less amount than that represented. He shall, at least once in each year, or as much oftener as he deems necessary, see that the weights, measures and all weighing and measuring apparatus, used in his county, city, town, or city and county, are correct. He may, for the purpose above mentioned, and in the general performance of his duty, without formal warrant, enter or go into or upon, any stand, place, building or premises or stop any vendor, peddler, junk dealer, driver of a coal wagon, ice wagon or delivery wagon or the driver of any wagon containing commodities for sale or delivery and, if necessary, require him to proceed to some place which the sealer may specify for the purpose of making the proper tests.

Weigh
packages.

Violators
prosecuted.

SEC. 30. Any sealer having knowledge of a violation of any of the provisions of this act, or of any law relating to weights and measures shall cause the violator to be prosecuted.

Marking
weights
and
measures
tested, etc.

SEC. 31. Whenever a sealer compares weights and measures or weighing or measuring instruments and finds that they correspond, or causes them to correspond, to the standards in his possession, he shall seal or mark, under his name, such weight or measure or weighing or measuring instrument with an appropriate device showing that the weight or measure or weighing or measuring instrument is correct and the date of the inspection, which device shall be placed so as to be easily seen. He shall condemn and seize and may destroy incorrect weights and measures and weighing and measuring instruments which in his best judgment are not susceptible of repair, but any weight, measure or weighing or measuring instrument which shall be found to be incorrect, but which in his best judgment are susceptible of repair, he shall cause to be marked with a tag or other suitable device with the words "Out of Order." The owners or users of any weights or measures or weighing or measuring instruments which have been marked "Out of Order," as in this section provided, may have the same repaired or corrected within thirty days, but until the same have been repaired or corrected and tested as herein provided the owners or users thereof may neither use nor dispose of the

"Out of
order."

same in any way, but shall hold the same at the disposal of the sealer. When the same have been repaired or corrected the owner or user thereof shall notify the sealer and the sealer shall again test and prove the weight, measure, or weighing or measuring instrument, which had been found incorrect and marked as in this section provided, and until such weight, measure, or measuring or weighing instrument has been reinspected by the sealer and found correct, the same shall not be used or in any way disposed of by the owner. Any person who removes or obliterates any tag or device placed upon any weight, measure, or weighing or measuring instrument by the sealer as in this act provided, shall be guilty of a misdemeanor. When any weight, measure or weighing or measuring instrument has been repaired and corrected, as in this act provided, and has been reinspected and found correct by the sealer of weights and measures, as in this act provided, the sealer of weights and measures shall remove the tag or device with the words "Out of Order," and shall seal and mark such weight, measure, or weighing or measuring instrument in the manner provided for the marking of the same where upon inspection they are found correct.

Removal of tags prohibited.

SEC. 32. Any person who, by himself, or his employee or agent, or as the employee or agent of another, shall use, in the buying or selling of any commodity, or retain in his possession a false weight or measure or weighing or measuring instrument, or shall offer or expose for sale, or sell except as heretofore specifically allowed in section 27 of this act, or use or retain in his possession any weight or measure or weighing or measuring instrument in any county, city, town, or city and county in which there has been appointed a sealer of weights and measures in accordance with the provisions of this act, which has not been sealed by a sealer within one year, or who shall dispose of any condemned weight or measure, or weighing or measuring instrument contrary to law, or any person who, by himself, or his employee or agent, or as the employee or agent of another, shall sell or offer or expose for sale or use or have in his possession for the purpose of selling or using any device or instrument to be used to or calculated to falsify any weight or measure, and any person who, by himself or his employee or agent, or as the employee or agent of another, shall sell or offer or expose for sale any commodity, produce, article or thing in a less quantity than he represents it to be or contain, shall be guilty of a misdemeanor. Possession of such false weights or measures or weighing or measuring instruments shall be prima facie evidence of the fact that they were intended to be used in the violation of law.

Penalty for possessing or using false weights and measures.

SEC. 33. The state superintendent, his deputy, all sealers and their deputies, in the performance of their official duties, shall have the same powers as are possessed by peace officers of this state.

Power of peace officers.

SEC. 34. Any person who shall hinder or obstruct in any way the state superintendent, or his deputy, or a sealer or his

Hindering sealers.

deputy, in the performance of their official duties, shall be guilty of a misdemeanor.

Refusing to exhibit weights or measures.

SEC. 35. Any person neglecting or refusing to exhibit any weight, measure, or weighing or measuring instrument of any kind, or appliances and accessories connected with any or all of such instruments or measures which is in his possession or under his control, to the state superintendent, or his deputy, or to a scaler or his deputy, for the purpose of allowing the same to be inspected and examined as in this act provided, shall be guilty of a misdemeanor.

Refusing to exhibit commodities.

SEC. 36. Any person, who by himself, or his employee or agent, or as a proprietor or manager, shall refuse to exhibit any article, commodity, produce or anything being sold or offered for sale at a given weight or quantity, or ordinarily so sold, to the state superintendent, or to his deputy, or to a scaler or his deputy, for the purpose of allowing the same to be tested and proved as to the quantity contained therein as in this act provided, shall be guilty of a misdemeanor.

Penalty for false sealing.

SEC. 37. Any scaler who shall seal any weight, measure, balance or apparatus before first testing and making the same conform with the standards of the state, or who shall condemn any weight, measure, balance or apparatus without first testing the same, shall be deemed guilty of a misdemeanor.

SEC. 38. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

"Person."

SEC. 39. The word "person," as used in this act, shall be deemed to include person, firm or corporation.

Duty of officers of corporations.

SEC. 40. It shall be the duty of all officers, directors and managers of corporations, whose respective corporations use or keep for use, sell or offer for sale, any weights, measures, or weighing or measuring instruments which are subject to inspection by the provisions of this act, to comply with the provisions of this act on behalf of their respective corporations; and it shall be the duty of all officers, directors and managers of corporations, whose respective corporations offer for sale or keep for sale any commodity, produce, article or thing which is subject to inspection by the provisions of this act, to comply therewith on behalf of their respective corporations. In case any corporation shall violate any of the provisions of this act, the corporation and the officers thereof directly concerned with the act or acts constituting such violation shall be severally guilty of a misdemeanor.

SEC. 41. Any sealing or testing of any weight, measure, weighing or measuring instrument by the state superintendent or his deputy shall have the same force and effect as a sealing or testing by a scaler or his deputy.

Appropriation.

SEC. 42. There is hereby appropriated out of the general fund of the state the sum of twelve thousand dollars for carrying into effect the provisions of this act.

Title of act.

SEC. 43. This act shall be known as the Weights and Measures Act.

CHAPTER 598.

An act to regulate the practice of optometry; to provide for the appointment of a board of optometry, define its duties and powers and prescribing a penalty for the violation of this act.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. It shall be unlawful for any person to engage in the practice of optometry or to display a sign or in any other way advertise or hold himself out as an optician or optometrist without having first obtained a certificate of registration from the state board of optometry as provided for in this act or under the provisions of a certain act entitled "An act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, and acts amendatory thereof.

Optometrists must register.

SEC. 2. The practice of optometry is hereby defined to be the employment of any means other than the use of drugs for the measurement of the powers or range of human vision or the determination of the accommodative and refractive states of the human eye or the scope of its functions in general or the adaptation of lenses or frames for the aid thereof.

Optometry defined.

SEC. 3. A board is hereby created to be known as the state board of optometry which shall consist of three members appointed by the governor. No person shall be eligible to appointment who is not a registered optometrist of the State of California and actually engaged in the practice of optometry at the time of such appointment. Each of the members shall hold office for a term of six years or until his successor is appointed and qualified and shall be so classified that one member of said board shall retire every two years. The present members of the California state board of examiners in optometry appointed under the provisions of the act in section number one hereof referred to, shall continue to serve and act as members of the state board of optometry, but under the provisions of this act during their respective terms or until their successors are appointed and qualified. No person shall be eligible to membership in the said state board of optometry who shall be a stockholder in, or owner of, or a member of the faculty of or of the board of trustees of any school of optometry or who shall be financially interested directly or indirectly in any concern manufacturing or dealing optical supplies at wholesale. No member of the board shall be financially interested in any purchase or contract in which the board is interested. No member of the board shall be financially interested in the sale of any property or optical supplies to any prospective candidate for examination before the board.

Board of optometry created.

Term.

Persons not eligible.

SEC. 4. The powers and duties of the said state board of examiners in optometry shall be as follows:

Powers and duties.

Organize
board

1. To organize and elect from their members a president and secretary of said board who shall hold office for one year or until the election and qualification of a successor; to adopt and use a common seal, and establish a permanent office. The secretary of the said board before entering into the discharge of his duties shall execute a good and sufficient bond to the State of California in the sum of one thousand dollars conditioned for the faithful performance of his duties as such secretary. He shall receive all fees and moneys paid to the board; keep all the records of the board and discharge such other duties as the board shall from time to time prescribe.

Make dis-
burse-
ments.

2. To make all necessary disbursements to carry out the provisions of this act, but only upon the signature of the president and secretary of the said board and only from the state optometry fund, including payment for the bond of the secretary of said board; payment for stationery supplies; necessary optical instruments to be used in the conduct of examinations which shall be the property of the state; the printing and circulating to all optometrists in the state, once a year, a year-book containing the names and addresses of all optometrists in this state; a per diem of ten dollars for each member of the said board for each day actually spent in the performance of his duties as such, and mileage of five cents per mile for all distances necessarily traveled in going to and coming from the meetings of said board, in full compensation for all services; per diems shall not exceed one for any calendar day and shall not exceed two in any one calendar month, except that in months when examinations are being held per diems may be allowed for not to exceed six days in any such month. Additional compensation may be allowed the secretary not to exceed fifty dollars per month.

Year book.

Compensation.

Prosecute
violators.

3. To employ agents, attorneys and inspectors to secure evidence of, report on, and prosecute to conviction all violations of this act and to employ other necessary assistants in the carrying out of the provisions of this act. No state officer shall be eligible to employment by the board.

Meetings.

4. To hold regular meetings at least twice a year at which an examination of applicants for certificates of registration shall be held at such places as the board shall from time to time designate and special meetings upon request of a majority of the members of said board or upon the call of the president.

Record of
proceed-
ings.

5. To keep an accurate record of all the proceedings of the board and of all its meetings, of all receipts and disbursements with vouchers for all disbursements, and of all prosecutions for violations of this act, and of all examinations held for applicants for certificates of registration with the names and addresses of all persons taking examinations and their success or failure to pass such examinations. To keep an accurate inventory of all property of the board and of the state in the possession of the board and to obtain a receipt therefor from its successor. All the records of the board shall be public and shall be kept in the office of the board.

6. To visit and examine public schools wherein the science of optometry is taught in this state and accredit such public schools as shall have been found by such board to give a sufficient course of study for the preparation of optometrists. Visit schools.

7. To keep a register of optometrists which shall contain the names and addresses of all persons to whom certificates of registration have been issued in the State of California, together with the date of the issuance of such certificates and the place or places of business in which each optometrist is engaged, and all renewals, revocations and suspensions thereof. Keep register.

8. To grant or refuse to grant certificates of registration as herein provided and to revoke the certificate of registration of any optometrist for any of the causes specified in section eleven hereof. Grant, etc. certificates.

9. To administer oaths and take testimony upon granting and revoking or suspending any certificate of registration.

10. To make rules for the procedure of the board and for the conduct and government of applicants for certificates of registration as optometrists not inconsistent with the provisions of this act. Make rules.

11. To report to the governor annually on the first Monday in January in each year giving an accurate account of the work of the board during the preceding year with a statement of all moneys received and paid out pursuant to this act. Reports.

SEC. 5. Any person over the age of legal majority desiring to engage in the practice of optometry in this state may file an application duly verified by his oath for an examination before said board or for a certificate of registration without examination as hereinafter provided, such application to be filed with the secretary of said board at least two weeks prior to the date of any meeting at which an examination is to be held and shall set forth the following: Application for registration.

(a) The name, age, and address of the applicant.

(b) The name of the optometry school attended, if any, and for what period of time such school was attended by the applicant.

(c) The previous experience, if any, of the applicant in the practice or in assisting in the practice of optometry.

(d) A statement of the previous examinations, if any, taken before the board and the dates of such examinations.

Such application shall be accompanied by a fee of \$20.00. Fee.
In case an applicant for a certificate of registration has attended a public school of optometry, accredited as provided in section 4, subdivision 6 of this act, and shall accompany his application with a certificate from such accredited school acknowledged before an officer authorized to take acknowledgments, showing the applicant to have successfully completed one year's work in such school, the board shall issue to him a certificate entitling him to practice optometry in the State of California without examination.

Public schools within the meaning of this act are schools

Public schools defined.

Examinations twice a year.

maintained as part of the public school system of the state by public funds, and furnishing free instruction, and none other.

SEC. 6. Examinations shall be held and given by the board at least twice a year at such time and place as the board may from time to time fix and designate at least one month prior to the date of such examination; *provided, however*, that one of such examinations shall be held in the city and county of San Francisco commencing with the third Monday in March of each year, and the other in the city of Los Angeles commencing with the third Monday in September of each year. At such examinations the board shall examine applicants in the anatomy of the eye, in normal and abnormal refractive and accommodative and muscular conditions and co-ordination of the eye, in subjective and objective optometry, including the fitting of glasses, the principles of lens grinding and frame adjusting, and in such other subjects as pertain to the science and practice of optometry, such subjects to be enumerated in publication by the board. In case of failure, the applicant shall be examined at the next examination only in the subjects in which he failed. All such applicants without discrimination, who shall satisfactorily pass such examination shall thereupon be registered in the board's register of optometrists and a certificate of registration shall be issued to them, under the seal and signature of the members of said board upon payment of a fee of five dollars. Such certificate shall continue in force until the first day of August in the year next succeeding.

Successful applicants registered.

Notice to board of place where practicing.

SEC. 7. Before engaging in the practice of optometry it shall be the duty of each registered optometrist to notify the board in writing of the place or places where he is to engage or intends to engage in the practice of optometry and of any changes in his place of business, and any notice required to be given by the board to any registered optometrist may be given by mailing to such address through the United States mail, postpaid. Each registered optometrist shall annually on or before the first day of August of each year pay to the secretary of said board a fee of two dollars for a renewal of his registration certificate and shall keep such certificate conspicuously posted in his office or place of business at all times; a period of thirty days' grace shall be allowed after the first of August, during which registration certificates may be renewed on payment of the fee of five dollars. Any registered optometrist who shall temporarily practice optometry outside or away from his regular registered place of business shall deliver to each customer or person there fitted or supplied with glasses a receipt which shall contain his signature and show his permanent registered place of business and the number of his certificate, together with a specification of the lenses furnished and the amount charged therefor.

Annual fee.

Receipt to customer.

Certificates filed with county clerk.

SEC. 8. All recipients of said certificate of registration shall present the same for filing to the clerk of the county in which they reside, and shall pay a fee of fifty cents to the

clerk for recording the same. Said clerk shall record said certificate in a book to be provided by him for that purpose. Any person so licensed removing his residence from one county to another in this state, shall, before engaging in the practice of optometry in such other county, obtain from the clerk of the county in which said certificate of registration is recorded a certified copy of such certificate of registration, and shall before commencing practice in such county, file the same for record with the clerk of the county to which he removes and pay the clerk of said county for recording the same a fee of fifty cents. Any failure, neglect or refusal on the part of any person holding such certificate of registration, or certified copy of such certificate of registration, to record the same as hereinabove provided, for six months after the issuance of said certificate of registration, or from the date of removal of residence shall *ipso facto* work the forfeiture of his certificate of registration, and it shall not be restored except upon the payment of twenty-five dollars to the California state board of examiners in optometry.

Failure
forfeits
certificate.

SEC. 9. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred and fifty dollars or by imprisonment for not less than one month or more than three months for the first offense and for the second offense by a fine of not less than two hundred and fifty dollars nor more than one thousand dollars or by imprisonment in the county jail for not less than six months nor more than one year. All fines and forfeitures collected or received for violations of or in prosecutions under this act shall be paid one half to the state treasurer for the benefit of the state optometry fund without demand and one half to the school fund of the city or county where the prosecution is had. In any prosecution for a violation of section one, hereof the use of test cards, test lenses, or of trial frames shall be prima facie evidence of the practice of optometry. Trial frames and test lenses within the meaning of this act shall be any frame or lens used in testing the eye which is not sold and not for sale to customers.

Penalty.

Disposition
of fines

SEC. 10. The provision of this act shall not be construed to prevent duly licensed physicians and surgeons from treating or fitting glasses to the human eye; nor to prohibit the sale of complete ready-to-wear eyeglasses as merchandise from a permanent place of business in good faith and not in evasion of this act by any person not holding himself out as competent to examine and prescribe for the human eye.

Persons
not affect-
ed by act.

SEC. 10½. It shall be unlawful for any person:

1. To sell or barter, or offer to sell or barter any certificate of registration issued by the state board of optometry; or
2. To purchase or procure by barter any such certificate of registration with intent to use the same as evidence of the holder's qualification to practice optometry; or
3. To alter with fraudulent intent in any material regard such certificate of registration; or

Unlawful
to sell,
etc., cer-
tificates of
registra-
tion.

4. To use or attempt to use any such certificate of registration which has been purchased, fraudulently issued, counterfeited or materially altered as a valid certificate of registration; or

5. To practice optometry under a false or assumed name; or

6. To wilfully make any false statement in a material regard in an application for an examination before the state board of optometry or for a certificate of registration; or

7. To practice optometry in the State of California without having at the time of so doing a valid unrevoked certificate of registration as an optometrist; or

8. To advertise by displaying a sign or otherwise or hold himself out to be an optometrist or optician without having at the time of so doing a valid unrevoked certificate of registration from the said state board of optometry.

Grounds
for revok-
ing cer-
tificates.

SEC. 11. Any person registered as provided for in this act may have his certificate of registration revoked or suspended for a fixed period by the state board of optometry for any of the following causes:

1. His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction, or a certified copy thereof certified by the clerk of the court, or by the judge in whose court the conviction is had, shall be conclusive evidence of such conviction.

2. When his certificate of registration has been secured by fraud or deceit practiced upon the board.

Unprofes-
sional
conduct.

3. For unprofessional conduct, or for gross ignorance or inefficiency in his profession. Unprofessional conduct shall mean employing what are known as "cappers" or "steerers" to obtain business; the obtaining of any fee by fraud or misrepresentation; employing, directly or indirectly any suspended or unlicensed optician or optometrist to perform any work covered by this act; the advertising of optical business or treatment or advice in which untruthful, improbable, or impossible statements are made; the use in advertising of the expression "eye specialist" in connection with the name of such optometrist, unless the person using the same is a regularly licensed physician and surgeon under the laws of this state; or habitual intemperance, or gross immorality, or shall permit another to use his certificate.

4. Who shall send a solicitor from house to house or who shall solicit from house to house.

5. When the holder is suffering from a contagious or infectious disease.

6. For any violation of the provisions of this act.

Notice
before
revoking.

SEC. 12. Before any certificate shall be so revoked or suspended the holder thereof shall have notice in writing of the charge or charges against him and at a date specified in said notice at least five days after the service thereof, be given a public hearing and have an opportunity to produce testimony in his favor, and to confront the witness against him.

The revocation or suspension of any license revoked or sus-

pended for any of the above causes except those specified in one and two of section eleven may be set aside upon application of the person whose license has been revoked at any time within six months from the date of such revocation upon proof being made to the satisfaction of said board that the cause of said revocation no longer exists and that the applicant has been sufficiently punished. Before setting aside the revocation of any certificate the board may in its discretion require the applicant to pass the regular examination given for applicants for certificates of registration.

Setting aside revocation.

SEC. 13. It shall be the duty of the secretary as soon as this act takes effect, to pay into the state treasury all moneys then in his possession or standing to the credit of the state board of optometry, and thereafter he shall, within ten days after the beginning of each month, report to the state controller all collections of fees and all other receipts for the preceding month, and at the same time he shall pay all such amounts into the state treasury. All such moneys shall be placed in a fund to be known as the state optometry fund, which fund is hereby created, and which shall be for the uses of the state board of optometry, claims thereon to be audited and paid in the usual manner. (An amount not to exceed three hundred dollars may be drawn from the fund herein created to be used as a revolving fund where cash advances are necessary; but expenditures from such revolving fund must be substantiated by vouchers and itemized statements at the end of each fiscal year, or at any other time when demand therefor is made by the board of control or by the controller.)

Payment of money into state treasury.

Optometry fund.

SEC. 14. Any member of the board who shall appropriate, retain or use for his own private use any of the funds of the board shall be guilty of a felony.

SEC. 15. This act shall be known and may be cited as the optometry law.

Title of act.

SEC. 16. An act entitled "An act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20th, 1903, is hereby repealed.

Repealed.

CHAPTER 599.

An act to amend section four thousand one hundred eighty-seven of the Political Code of the State of California.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section four thousand one hundred eighty-seven of the Political Code of the State of California is hereby amended to read as follows:

4187. Constables must attend the courts of justices of the peace within their township whenever so required, and within their counties execute, serve and return all writs, process

Duties of constables.

and notices directed or delivered to them by justices of the peace of such county or by competent authority. Constables shall charge and collect for their services such fees as are now or may hereafter be allowed by law; *provided*, that whenever a pound district has been created under the laws of the State of California by the board of supervisors of any county, and no poundmaster has been appointed for such district, or when appointed has not qualified as such, the constable shall perform the duties of the poundmaster in districts in the township for which he has been elected, and shall collect for his services such fees as are now or may hereafter be allowed by law to poundmasters.

CHAPTER 600.

An act to repeal sections one thousand nine hundred and twenty-three, one thousand nine hundred and thirty-five, and one thousand nine hundred and sixty-six of the Political Code of the State of California, and to amend sections one thousand nine hundred and six, one thousand nine hundred and twenty-five, one thousand nine hundred and twenty-six, one thousand nine hundred and twenty-seven, one thousand nine hundred and twenty-eight, one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-two and one half, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-four and one half, one thousand nine hundred and fifty-three, one thousand nine hundred and fifty-seven, one thousand nine hundred and sixty-three, two thousand and seventy-six, two thousand and seventy-seven, two thousand and seventy-nine, two thousand and eighty, two thousand one hundred and six, two thousand one hundred and eleven and two thousand one hundred and twelve, of the Political Code of the State of California, and to add four new sections to said Code to be known as sections one thousand nine hundred and twenty-eight a, one thousand nine hundred and twenty-eight b, one thousand nine hundred and twenty-eight c and one thousand nine hundred and twenty-eight d, all relating to the organization, equipment, maintenance and government of the national guard of the State of California.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Repealed.

SECTION 1. Sections one thousand nine hundred and twenty-three, one thousand nine hundred and thirty-five, and one thousand nine hundred and sixty-six of the Political Code of the State of California are hereby repealed.

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

1906. The militia of the state shall be divided into two classes: 1. The organized militia. 2. The reserve militia. The organized militia shall comprise all of the officers and men of the regularly enlisted, commissioned, organized and uniformed active military and naval forces of the state, and they shall be known as the national guard of California. The militia reserve shall comprise all who are subject to military duty and are not within the organized militia.

Classes of militia.

SEC. 3. Section one thousand nine hundred and twenty-five of the Political Code of the State of California is hereby amended to read as follows:

1925. The national guard of California shall consist of the following staff departments: An adjutant general's department, an inspector general's department, a judge advocate general's department, a quartermaster's corps, a medical department, a corps of engineers, an ordnance department, a signal corps, and shall also consist of the commissioned officers heretofore or hereafter retired, the organizations now forming the national guard at this date, and such others as may be organized hereafter, and such persons as are or may be enlisted or commissioned therein and the officers and enlisted men of the naval militia. The commander-in-chief shall have the power to alter, divide, consolidate, disband, or reorganize any organization or corps and create organizations and corps whenever required by the provisions of this act, or whenever in his judgment the efficiency of the state forces shall be thereby increased; and he shall have the power and it shall be his duty to change the organization of the state forces so as to conform to any organization, system of drill or instruction now or hereafter prescribed by the laws and regulations of the United States for the organization and government of the militia, and for that purpose the number of officers and noncommissioned officers of any grade may be increased or diminished or the grades may be altered or created whenever necessary to procure such uniformity; *provided*, that in time of peace the total number of companies, troops, batteries and divisions of the naval militia shall not exceed eighty-four; *and provided, further*, that there shall not be more than twelve divisions of the naval militia, sixteen companies of coast artillery, two companies of engineers, two companies of signal corps, four troops of cavalry, in addition to the machine gun companies, companies of infantry, ambulance companies, field hospitals, and batteries of field artillery that may be authorized.

Staff departments of national guard.

SEC. 4. Section one thousand nine hundred and twenty-six of the Political Code of the State of California is hereby amended to read as follows:

1926. The commander-in-chief shall make such rules and regulations for the government, administration and control of

Rules and regulations.

the departments, corps and organizations of the national guard, not inconsistent with the laws, regulations and customs of the service of the United States army or navy so far as the same may be applicable, and the laws of this state, and as he may deem necessary to render the departments, corps and organizations efficient.

SEC. 5. Section one thousand nine hundred and twenty-seven of the Political Code of the State of California is hereby amended to read as follows:

Adjutant
general's
depart-
ment.

1927. The adjutant general's department shall consist of one brigadier general, one colonel, to be known as the assistant adjutant general, and such officers of the rank of major, and not exceeding three in number, as may be necessary for the proper administration of the department. The brigadier general shall be chief of the department and shall be designated by the title of the adjutant general. The brigadier general of the adjutant general's department shall be appointed by and hold office at the pleasure of the governor, or until his successor is appointed and qualifies; *provided*, that the qualifications for appointment to the grade of brigadier general in the adjutant general's department shall be the same as is prescribed in section 1934 of this code for a general officer. The officer with the grade of colonel in the adjutant general's department shall be on duty in the adjutant general's office and his qualifications for appointment shall be the same as is prescribed in this code for appointment to the grade of brigadier general in the adjutant general's department. All officers in the adjutant general's department shall be appointed by the governor and shall hold office at his pleasure or until their successors are appointed and have qualified, taking into consideration the recommendation of the adjutant general; *provided*, that the officers of the adjutant general's department that are to be assigned to brigades shall be appointed as provided for other staff officers in section 1957 of this code. All officers appointed to the grade of major in the adjutant general's department shall have served not less than two years as commissioned officers in the national guard of California. All officers in the adjutant general's department other than the brigadier general and colonel shall be designated by the title of adjutant general. There shall be employed in the adjutant general's office the following clerical force: one chief clerk, three clerks, and one stenographer and clerk. There shall also be employed in the adjutant general's office one military storekeeper, and one assistant military storekeeper and porter.

Employees.

SEC. 6. Section one thousand nine hundred and twenty-eight of the Political Code of the State of California is hereby amended to read as follows:

Chief of
staff.

1928. The chief of the adjutant general's department shall be in control of the military department of the state, and subordinate only to the commander-in-chief in matters pertaining to the said department. He shall be chief of staff. He

shall perform such duties as are described in this title and such other duties consistent with the regulations and customs of the United States army and United States navy as may be prescribed by the commander-in-chief. All the duties of the adjutant general shall be performed under the direction of the commander-in-chief. Duties.

1. He shall keep a register of all the officers of the militia of the state, and keep in his office all records and papers requiring to be kept and filed therein, and make a biennial report to the commander-in-chief including a detailed statement of the moneys received and disbursed by him for military purposes during that period, and the number and condition of the national guard. Register of officers.

2. He shall, at the expense of the state, when necessary, cause the military law, general regulations of the state and articles of war of the United States, and such other military publications as may be necessary for the military service, to be printed, indexed and bound in compact form and distributed to the commissioned officers and the several organizations of the national guard. Military laws.

3. He shall cause to be prepared and issued all necessary blank books, blanks and notices required to carry into full effect the provisions of this title. All such books and blanks shall be and remain the property of the state. Blank books.

4. The seal now used in the office of the adjutant general shall be the seal of his office, and shall be delivered by him to his successor. All orders issued from his office shall be authenticated with his seal. Seal.

5. In order that the national guard of the state may receive the funds provided by congress, it shall be the duty of the adjutant general of the state to prepare and submit a plan of proposed field or camp service of instruction for the ensuing year, with an estimate of the funds required for pay, subsistence, and transportation of the portion of the national guard participating therein; and said estimate to furnish the details and to be made out in the form required by instructions from the secretary of war, or the secretary of the navy. Field service.

6. He shall make such regulations pertaining to the preparation of reports and returns and to the care and preservation of property, in the possession of the state for military purposes, whether belonging to the state or to the United States, as in his opinion the conditions demand; such regulations to be operative and in force when promulgated in the form of general orders, circulars or letters of instruction. Preservation of property.

7. He shall attend to the care, preservation, and safekeeping and repairing of the arms, ordnance, accoutrements, equipments, and all other military property belonging to the state or issued to the state by the government of the United States for the purpose of arming and equipping the organized militia. All military property of the state, which, after a proper inspection, shall be found unsuitable for the use of the state shall, under the direction of the commander-in-chief, be disposed of Care for arms, etc.
Sell unsuitable property.

by the adjutant general at public auction after suitable advertisement for sale, daily for ten days, in at least one newspaper published in the English language in the city or county where the sale is to take place; or the same may be sold at private sale or may be condemned and destroyed when so ordered by the commander-in-chief. He shall bid in the property or suspend the sale whenever in his opinion better prices may or should be obtained. He shall, from time to time, render to the commander-in-chief a just and true account of the sales made by him, and shall expend the proceeds of the same in the purchase of other military property, as the commander-in-chief may direct. And all such military property belonging to the state may be disposed of by the adjutant general without reference to the state board of control. He shall be responsible for all the arms, ordnances; accoutrements, equipments and other military property which may be issued to the state by the secretary of war and secretary of the navy in compliance with the law; and it shall thereafter be his duty to prepare returns of such arms and other property of the United States at the time and in the manner required by the secretary of war and the secretary of the navy. He shall, upon the order of the commander-in-chief, turn in to the ordnance department of the United States army or navy, the rifles, carbines, bayonet scabbards, gun slings, belts, and such other necessary accoutrements and equipments the property of the United States and in the possession of the state, which may be replaced from time to time, by new arms, equipments, etc., sent by the United States in substitution therefor, and cause the same to be shipped, under the instructions from the secretary of war, or secretary of the navy, to the designated arsenal or depot at the expense of the United States. And when the national guard of the state shall be fully armed and equipped with the standard magazine arms, and the standard equipment and accoutrement of the United States army and navy, he shall cause all the remaining arms, equipments, etc., the property of the United States, and in possession of the state, to be transferred and shipped as above directed.

Responsible for
 Culted
 States
 property.

Account of
 expenses.

8. He shall keep a just and correct account of all expenses necessarily incurred, including pay of officers and enlisted men, subsistence of militia, transportation of the militia, and of all military property of the state, and such expenses shall be audited and paid in the same manner as other military accounts are audited and paid.

Issue and
 Purchase
 property.

9. He shall issue such military property as the commander-in-chief shall direct, and under his direction shall make purchases for that purpose. No military property shall be issued to persons or organizations other than those belonging to the active militia, except such portions of the reserve militia as may be called out by the commander-in-chief. Purchases of property not exceeding five hundred dollars in value shall be made in such manner as the adjutant general shall direct. If such purchases shall require an expenditure of a sum exceed-

ing five hundred dollars he shall publicly advertise for not less than ten days for sealed proposals for furnishing such property; such proposals shall be publicly opened by him at the place, day and hour designated in such advertisement; *provided, however*, that he may purchase at any time any or all military property, equipments and supplies required by the military department of the state from the United States government, under the provisions and regulations of the war and navy departments governing such purchases. He shall, if the commander-in-chief approve, make contract with the lowest responsible bidder to furnish such property. All proposals and contracts made under the authority hereby conferred shall be filed in the office of the adjutant general. The adjutant general is authorized and directed whenever, in his opinion, it shall be to the interest of the state, to require the party who shall agree or contract to furnish such property to give bond to the people of the state in such sum and with such surety as he shall direct, conditioned for the faithful performance of such agreement or contract. In case of default such bond shall be prosecuted by the attorney general and all moneys received therefrom shall be expended by the adjutant general for the benefit of the national guard. All property purchased under authority herein granted shall be inspected by an inspector or officer detailed for the purpose by the commander-in-chief, and no payment shall be made therefor until it shall appear by the certificate of such officer that such property is of the kind and quality specified in such agreement or contract. In case of insurrection, invasion, tumult, riot, breaches of the peace, or imminent danger thereof, the commander-in-chief may temporarily suspend the operation of this paragraph and direct the adjutant general to purchase such military property or supplies as may be required in open market.

To lowest bidder.

Inspection of purchases.

In case of riot, etc.

10. The adjutant general shall attest all commissions issued to military officers.

11. He shall superintend the preparation of all returns and reports required by the United States from the state on military matters.

12. In the absence or inability of the adjutant general to perform his duties, the officer on duty in the adjutant general's department of the rank of colonel, shall perform the duties prescribed for the adjutant general, and in the absence or inability of both of said officers, the chief of the inspector general's department shall perform the said duties, during such absence or inability. The duties of the officers of the adjutant general's department shall be such as prescribed by the commander-in-chief and shall conform as closely as practicable to the duties prescribed by orders and regulations of the war department for like officers in the United States army.

In absence of adjutant general.

SEC. 7. Section one thousand nine hundred and twenty-nine of the Political Code of the State of California is hereby amended to read as follows:

1929. The medical department of the national guard of

Medical department. California shall consist of: a medical corps, a hospital corps, the medical department of the naval militia, a surgeon general of the rank of colonel, who shall have charge of the department, except that portion of it pertaining to the naval militia, a chief surgeon, of the rank of major, who shall have immediate and active supervision of the sanitary troops of the national guard, the officers necessary for the staff departments and such officers and enlisted men as are necessary for the organization of such sanitary units as are deemed necessary in organizing this department under the provisions of this title. When deemed necessary by the commander-in-chief, a medical reserve corps, a female nurse corps, or a dental corps, or all three, may be provided.

SEC. 8. Section one thousand nine hundred and thirty of the Political Code of the State of California is hereby amended to read as follows:

Corps of engineers. 1930. The corps of engineers shall consist of one chief of engineers of the rank of major, the officers necessary for the staff departments and of such officers and enlisted men as are necessary for the organization of such companies of engineers as may be authorized or required as the proper complement for the national guard, corresponding as nearly as practicable to like organizations of the United States army, in number, ranks and grades of officers and enlisted men.

SEC. 9. Section one thousand nine hundred and thirty-one of the Political Code of the State of California is hereby amended to read as follows:

Signal corps. 1931. The signal corps shall consist of a chief signal officer of the rank of major, the officers necessary for the staff department and of such officers and enlisted men as are necessary for the organization of signal companies, such officers and enlisted men to be of the number, grades and ranks as obtain in similar organizations of the United States army.

SEC. 10. Section one thousand nine hundred and thirty-two of the Political Code of the State of California is hereby amended to read as follows:

Coast artillery. 1932. The coast artillery shall be organized as a corps and shall consist of such number of companies as may be authorized, a chief of coast artillery with the rank of colonel, one lieutenant colonel, one major to every four companies, one extra captain, one extra first lieutenant, and one extra second lieutenant to every four companies; one sergeant major, senior grade, two master electricians, and not to exceed the ratio of one electrician sergeant (first or second class), one engineer and one fireman to each company, and one master gunner and one sergeant major, junior grade, to each four companies. There shall be for each company of coast artillery, one captain, one first lieutenant, one second lieutenant, and such number of noncommissioned officers and privates of coast artillery as obtain in a company of the coast artillery corps of the United States army. The chief of coast artillery shall bear as nearly as practicable the same relation to the coast artillery

corps of the state as the chief of coast artillery of the United States army bears to the coast artillery corps of the United States army and he shall also perform all the functions and have all the authority of an artillery district commander of the United States army.

SEC. 11. Section one thousand nine hundred and thirty-two and one half of the Political Code of the State of California is hereby amended to read as follows:

1932}. The field artillery shall be organized into batteries, battalions, separate battalions and regiments, conforming as nearly as practicable to similar organizations of the United States army as to numbers, ranks and grades of commander, officers, staffs, enlisted men and equipment; *provided*, that the commander of a separate battalion shall have on his staff one veterinarian, who when in active service shall draw the same pay as a veterinarian in the United States army. He shall be appointed as staff officers are appointed. Field
artillery.

SEC. 12. Section one thousand nine hundred and thirty-three of the Political Code of the State of California is hereby amended to read as follows:

1933. The cavalry shall consist of such number of troops (not to exceed four in time of peace) as the commander-in-chief may designate. The troops of cavalry shall be organized into a squadron at the discretion of the commander-in-chief. Such number of officers and enlisted men of the ranks and grades that obtain in the United States army, for similar organizations, shall constitute the organizations of the cavalry of the national guard; *provided, however*, that for a separate squadron of cavalry, the commander-in-chief shall appoint one veterinarian, who shall be on the staff of the squadron commander and who, when in active service, shall receive the same pay as a veterinarian in the United States army. Cavalry.

SEC. 13. Section one thousand nine hundred and thirty-four of the Political Code of the State of California is hereby amended to read as follows:

1934. The organization of infantry of the national guard shall conform as nearly as practicable in numbers and grades of commander, staffs, officers and enlisted men, to similar organizations of the United States army. The infantry shall be organized into brigades, regiments, battalions, separate battalions, companies, separate companies and detachments, as nearly as practicable conforming as to officers, staff, personnel and equipment to like organizations of the United States army. The minimum strength of an infantry company of the national guard in time of peace shall be three officers and fifty-eight enlisted men. In the event of a call by the president of the United States for troops from the State of California, sufficient in numbers to constitute a division, such troops may be organized into a division, which shall be commanded by a major general or by the senior officer of the line present for duty with the division. No person shall be commissioned as a general officer in the national guard of this state unless he Infantry.

shall have attained to the grade of field officer, and shall have had four years' previous experience either as a commissioned officer in command of, or in service with, troops of the line of this state, or of another state, or territory, or District of Columbia, or of the United States army or marine corps, or in any or all of said services combined.

SEC. 14. Section one thousand nine hundred and thirty-four and one half of the Political Code of the State of California is hereby amended to read as follows:

Machine
gun
company.

1934½. One machine gun company, platoon or detachment may be organized and attached to each regiment of infantry or as otherwise provided for similar organizations of the United States army, in the discretion of the commander-in-chief of the national guard of California. Such number of officers and enlisted men of the ranks and grades as obtain in the United States army for similar organizations, shall constitute such machine gun company, platoon or detachment.

SEC. 14a. Section one thousand nine hundred and fifty-three of the Political Code of the State of California is hereby amended to read as follows:

Qualifi-
cations
of officers.

1953. Commissioned officers must be citizens of the United States, of the age of eighteen years and upwards. No person who has been in the military or naval service of the United States, of this state, or of any other state in the United States, and who has not been honorably discharged therefrom, shall be commissioned in the national guard of California. No person shall be commissioned unless he shall possess the additional requirements herein prescribed for the particular office to which he is to be commissioned. All medical officers shall be regularly graduated, licensed, and practicing physicians or surgeons, licensed to practice their profession in California, or shall have been surgeons of the United States army or navy. All judge advocates of the national guard of California shall be members of the bar of the supreme court of the State of California. All engineer officers, except engineer officers of the naval militia of California, must be qualified to design, as well as to direct, engineering works. Graduation from a school of engineering of recognized reputation, or the performance of the duties of a professor of engineering in a technical school of high grade shall be sufficient qualifications for appointment as an engineer officer in the national guard of California. All chaplains shall be regularly ordained priests or ministers of the gospel of some denomination.

Medical
officers.

Engineer
officers.

SEC. 15. Section one thousand nine hundred and fifty-seven of the Political Code of the State of California is hereby amended to read as follows:

Appoint-
ment of
general
officers.

1957. General officers of the line of the national guard shall be appointed by the commander-in-chief by and with the advice and consent of the senate. During the time the senate is not in session, the commander-in-chief shall make such appointments subject to subsequent confirmation by the senate.

All such officers shall hold office during the pleasure of the commander-in-chief or until their successors are appointed and qualified. The chief of staff departments and staff corps and the extra officers appointed therein, and the personal aids-de-camp of the commander-in-chief shall be appointed by the commander-in-chief and shall hold office during his pleasure or until their successors are appointed and qualified. The officers on the staff of a brigade, the officers allowed to regiments, battalions, and squadrons for staff duty, and chaplains, shall be appointed by the commander-in-chief upon the recommendation of their immediate commanding officer, and shall hold office during the pleasure of their immediate commanding officer, or until their successors are appointed and qualified.

SEC. 16. Section one thousand nine hundred and sixty-three of the Political Code of the State of California is hereby amended to read as follows:

1963. (1) Any commissioned officer who has become disabled from longer performing the active duties of his office, may, upon his own application, be placed upon the retired list; *provided*, that such disability shall have been incurred while in the performance of duty. Retired list.

(2) If an officer for the above reason desires to be placed upon the retired list, he shall make application to the commander-in-chief to appoint a board of surgeons, who shall examine him as to his disability, and if such disability has not been incurred by reason of any dereliction, they shall, if they deem proper, recommend that his application be granted; and upon approval of such application by the commander-in-chief, the adjutant general shall issue orders retiring such officer. Examination as to disability.

(3) Any commissioned officer who shall have served as such in the national guard of this state for a period of eight years, may, upon his own application, be placed upon the retired list and withdrawn from active service and command with the rank held by him at the time such application is made. And any commissioned officer who shall have at any time heretofore served as such in the militia or national guard of this state for a period of eight years, shall, upon his own application and due proof of such service, be placed upon the retired list with the rank held by him at the time of the expiration of his commission. Upon applications as above provided being duly made and approved, the commander-in-chief shall cause orders to be issued retiring the officer who makes application therefor, in accordance with the provisions of this section; *provided, however*, that nothing herein contained shall be construed to permit the placing upon the retired list of any officer who shall have been dishonorably dismissed from the service. Retirement after eight years' service.

(4) The officers on the retired list shall only be subject to detail for duty by orders from the commander-in-chief; and he shall cause to be issued such orders as he may deem Duties of retired officers.

necessary, detailing them for duty upon boards of officers for military purposes, courts-martial, and courts of inquiry, and for such other military duties as, in his judgment, may be advisable. When, however, officers on the retired list are detailed for active duty other than upon boards of officers, courts-martial, and courts of inquiry, they shall only be entitled to pay of the rank which properly belongs to the office, the duties of which they are detailed to perform. When the duty ends, or the detail is canceled, the officers shall again return to the retired list with their former retired rank. A roster of all officers on the retired list shall be kept in the adjutant general's office.

May return
to active
service.

(5) Officers on the retired list may return to the active list by appointment or election, and when such term of appointment or election shall cease, may, upon application, be returned to the retired list with the rank previously held by them on said retired list; *provided, however*, that when an officer has been taken from the retired list by election or appointment, and shall have served more than one term thereafter on the active list, he may be returned to the retired list with the rank then held by him on the active list.

Rank of
retired
officers.

(6) Officers on the retired list shall, on all occasions of duty, and all occasions of ceremony, take rank next to officers of like rank upon the active list.

SEC. 17. Section two thousand and seventy-six of the Political Code of the State of California is hereby amended to read as follows:

Pay of
officers
and men.

2076. Officers while on active duty in the service of the state shall receive the same pay and allowance as officers of similar grade in the United States army and United States navy. Enlisted men while on active duty in the service of the state shall receive two dollars per day; *provided, that no pay shall be allowed to any officer or enlisted man when on duty in any state camp mentioned in section two thousand and five of the Political Code of the State of California; and in any camp held in pursuance of orders from the commander-in-chief there shall be allowed for each mounted officer and enlisted man one dollar and fifty cents per day for the horse necessarily used by him at such camp; provided, further, that all enlisted men in attendance at joint-manuever camps of the national guard and United States army and all enlisted men of the naval militia while on an annual cruise of instruction in pursuance of the orders of the commander-in-chief shall receive one dollar per day in excess of the government pay per day at such camp or for such cruise of instruction: provided, that the time for which pay is allowed naval militia men on such cruise shall not exceed fifteen days in any one year; and provided, further, that officers of the national guard on duty in the adjutant general's department when called into active service by competent authority shall receive the same pay and allowance as officers of similar grade of the United States army. In case the legislature does not appropriate sufficient money*

to pay one dollar per day to each enlisted man participating in joint maneuvers or cruises for instruction, then the money actually appropriated shall be apportioned among, and paid pro rata, to the enlisted men participating, upon estimate made by the adjutant general in advance of such apportionment and payment.

SEC. 18. Section two thousand and seventy-seven of the Political Code of the State of California is hereby amended to read as follows:

2077. Whenever an officer of the national guard is detailed for special duty in any matter relating to the national guard, by order of the commander-in-chief, or by order of the brigade, regimental, battalion or squadron commander, on approval of the commander-in-chief, he shall be allowed three dollars per day and actual traveling expenses. An enlisted man similarly detailed shall be allowed two dollars per day and actual traveling expenses. Whenever an officer of the United States army or navy, detailed by the war or navy department for service with the national guard of California, is detailed by the commander-in-chief of this state for special duty involving travel not specially directed by the war or navy department, said officer shall be allowed his actual traveling expenses, but no per diem. Traveling
expense.

SEC. 19. Section two thousand and seventy-nine of the Political Code of the State of California is hereby amended to read as follows:

2079. There must be audited and allowed by the adjutant general and paid out of the appropriation for military purposes, upon the warrant of the state controller, to the commanding officer of each infantry, coast artillery and engineer company of the national guard, and each division of the naval militia, except the engineer division of the naval militia, the sum of one hundred dollars per month; to the commanding officer of each field hospital, one hundred and twenty-five dollars per month; to the commanding officer of each ambulance company, one hundred and fifty dollars per month; to the commanding officer of each machine gun company, company of signalmen, troop of cavalry, battery of field artillery, and of the engineer division of the naval militia the sum of two hundred dollars per month; *provided*, that in case machine gun platoons or detachments are organized instead of full machine gun companies, that said platoons or detachments shall receive that proportion of the monthly allowance herein provided for a full machine gun company, that the said platoon or detachment in numbers of personnel bears to said company; the sum so paid to be used for armory rent, care of arms, and proper incidental expenses of the company, troop, battery, field hospital or division. There shall be allowed, audited, and paid out of the same appropriation, to the commanding officer of each brigade the sum of two hundred dollars per month; to the commanding officer of each regiment, and of the naval militia, and to the chief of coast artillery the Armory
rent, care
of arms,
incidentals,
etc.

sum of one hundred and fifty dollars per month; to the commanding officer of each separate battalion or separate squadron the sum of fifty dollars per month; the sums so paid to be used for rent of headquarters, clerical expenses, stationery, printing, postage and proper incidental expenses of the commanding officer of the organization for which said sums are audited, allowed and paid. If any regiment, the naval militia or the coast artillery corps, or separate battalion or separate squadron shall have attached to it a uniformed and organized band of not less than twenty-eight people, to the commanding officer of such regiment, naval militia, artillery corps, separate battalion or separate squadron, the additional sum of seventy-five dollars per month for such band; to the surgeon general and the chief surgeon the sum of twenty-five dollars each per month for rent and proper incidental expenses; and to the adjutant general the sum of ten thousand dollars per annum, to be expended by him in promoting target practice. There must be audited and allowed by the adjutant general, and paid out of the appropriation for military purposes, to the medical officer in charge of each detachment of the medical department on duty with a regiment, with the signal corps, cavalry, field artillery, with the coast artillery, and the chief surgeon of the naval militia, the sum of fifty dollars per month, for rent and proper incidental expenses of such detachment. No claim shall be allowed under the provisions of this section except upon demand made quarterly in duplicate, signed and sworn to by the officer claiming the same, before any officer of the national guard, or notary public, and forwarded through the headquarters of the regiment, coast artillery corps, separate battalion, separate squadron, or separate company, or naval militia, with the approval of each commanding officer through whose headquarters they are required to pass, direct to the adjutant general; *provided*, that the adjutant general may make expenditures at any time for the promotion of target practice out of the appropriation for that purpose herein provided for.

SEC. 20. Section two thousand and eighty of the Political Code of the State of California is hereby amended to read as follows:

Allowance
to each
company,
etc.

2080. The sum of two hundred and fifty dollars shall be audited by the adjutant general and annually paid out of the appropriation for military purposes, to each company, troop, battery, field hospital and ambulance company of the national guard, and to each division of the naval militia. The amount so audited and allowed shall be paid to the commanding officers of such organizations for the use thereof.

SEC. 21. Section two thousand one hundred and six of the Political Code of the State of California is hereby amended to read as follows:

Oaths.

2106. Oaths required in any matter connected with the military service may be administered and certified by any duly commissioned officer of the national guard of California, or

other officer authorized to administer oaths under the laws of the State of California, and no charge shall be made for the same.

SEC. 22. A new section is hereby added to the Political Code of the State of California to be known as section one thousand nine hundred and twenty-eight *a*, and shall read as follows:

1928*a*. The inspector general's department shall consist of one inspector general with the rank of colonel and two inspectors general with the rank of major. The duties of the officers of the inspector general's department shall be such as prescribed by the commander-in-chief and shall conform as closely as practicable to the duties prescribed by orders and regulations of the war department for like officers of the United States army.

Inspector
general's
depart-
ment.

SEC. 23. A new section is hereby added to the Political Code of the State of California to be known as section one thousand nine hundred and twenty-eight *b*, and shall read as follows:

1928*b*. The judge advocate general's department shall consist of one judge advocate general with the rank of colonel and two judge advocates with the rank of major. The duties of the officers of the judge advocate general's department shall be such as prescribed by the commander-in-chief and shall conform as closely as practicable to the duties prescribed by orders and regulations of the war department for like officers of the United States army.

Judge
advocate's
depart-
ment.

SEC. 24. A new section is hereby added to the Political Code of the State of California to be known as section one thousand nine hundred and twenty-eight *c*, and shall read as follows:

1928*c*. The ordnance department shall consist of a chief of ordnance, (who shall be the adjutant general), and of such officers and enlisted men as are necessary for the organization of such a department.

Ordnance
depart-
ment.

SEC. 25. A new section is hereby added to the Political Code of the State of California to be known as one thousand nine hundred and twenty-eight *d*, and shall read as follows:

1928*d*. The quartermaster's corps shall consist of the quartermaster general (who shall be the adjutant general) and of such officers, enlisted men and civilian employees as are deemed necessary by the commander-in-chief, in organizing the said corps under the provisions of section one thousand nine hundred and twenty-five of this title, and such officers and enlisted men shall have the same titles as those of corresponding grades in the United States army and shall be of the same grades and numbers as nearly as practicable as are authorized or prescribed by the laws and regulations of the United States for the corresponding corps of the United States army, or as authorized or prescribed by the said laws and regulations of the war department for the organized militia. The enlistments in the quartermaster's corps and the appointments of

Quartermaster's
corps.

noncommissioned officers and the employment of civilian employees therein shall be as prescribed by the commander-in-chief. The duties of the officers, the enlisted and civilian personnel of the quartermaster's corps shall be such as prescribed by the commander-in-chief and shall conform as closely as practicable to the duties prescribed by orders and regulations of the war department for a like corps of the United States army.

SEC. 26. Section two thousand one hundred and eleven of the Political Code of the State of California is hereby amended to read as follows:

Naval
militia.

2111. The organized naval militia of California, if authorized, shall consist of not more than twelve divisions, including one engineer division. The naval militia shall be located throughout the coast of the state at the discretion of the commander-in-chief. The word "division" as used in this chapter in connection with the naval militia shall have the same meaning and effect as "company" when used in connection with infantry and the word "battalion" as used in this chapter in connection with the naval militia shall have the same meaning and effect as "battalion" when used in connection with infantry. The several divisions of the naval militia shall be organized into battalions of not less than four divisions to each battalion and divisions shall be assigned to the various battalions at the discretion of the commander-in-chief.

SEC. 27. Section two thousand one hundred and twelve of the Political Code of the State of California is hereby amended to read as follows:

Strength,
rank,
officers,
etc., of
naval
militia.

2112. (1) The numerical strength, rank, titles, and insignia of rank of the divisions of the naval militia shall conform to the laws, rules and regulations of the United States navy, so far as the same may be effectively applicable. The naval militia shall be commanded by a captain. There shall also be the following additional commissioned officers, viz: one commander, and one lieutenant commander for each battalion of the naval militia who, in order of rank, in the absence or disability of the superior, shall perform his duties and shall at all times assist the commanding officer in the performance of his duties; one chief engineer, with the rank of lieutenant commander; one lieutenant commander and navigating officer, one lieutenant and ordnance officer, one lieutenant and aid to the commanding officer of the naval militia who shall be subject to such detail as the commanding officer may designate; one lieutenant and equipment officer; one lieutenant (junior grade) and assistant navigating officer; one lieutenant (junior grade) and assistant ordnance officer, one lieutenant (junior grade) and assistant equipment officer, one ensign and signal officer. The lieutenant commanders shall command the respective battalions and shall perform such other duties as may be prescribed by the commander-in-chief. There shall also be the following chief warrant officers, who shall rank with and after an ensign: one chief boatswain, one chief machinist, one

chief carpenter, one chief gunner. The chief warrant officers shall be appointed by the commander-in-chief upon the recommendation of the commanding officer of the naval militia and shall receive from the commander-in-chief a commission in the same form as commissioned officers of the naval militia. When more than one vessel is loaned by the United States government to the State of California for the use of the naval militia there may be for each such additional vessel one lieutenant (junior grade) and passed assistant engineer, who shall be appointed by the commander-in-chief upon the recommendation of the commanding officer of the naval militia. All the above officers shall be line officers. The captain, commander, and lieutenant commanders shall be elected to hold office as prescribed in this chapter for officers of similar grades of regiments of infantry. All other of the above named officers shall be appointed by the commander-in-chief upon the recommendation of the commanding officer of the naval militia and shall hold office as prescribed in this title for officers of similar grades of regiments. All elections for officers in the naval militia shall be ordered by the commander-in-chief.

Line officers.

(2) There may also be a chaplain, who shall be of the same grade and rank as in the United States navy and who shall be appointed by the commander-in-chief upon the recommendation of the commanding officer of the naval militia. Each division of the naval militia shall be commanded by a lieutenant, and shall include a lieutenant (junior grade), two ensigns, and not less than fifty-eight nor more than one hundred petty officers and seamen. The commissioned officers of each division shall be elected in the same manner and hold office as prescribed in this title for company officers of the national guard. Officers of the naval militia may be retired as provided in section one thousand nine hundred and sixty-three of this chapter. The lieutenant and lieutenant (junior grade) of the engineer division shall each hold the grade of passed assistant engineer, and the ensigns of the engineer division shall each hold the grade of assistant engineer. All engineer officers shall be recognized engineers or machinists of at least two years' standing. The pay department of the naval militia shall consist of one paymaster with the rank of lieutenant, one passed assistant paymaster with the rank of lieutenant (junior grade), and one assistant paymaster with the rank of ensign, who shall be staff officers appointed by the commander-in-chief upon the recommendation of the commanding officer of the naval militia, and hold office as prescribed for officers of similar grades of regiments. The medical department of the naval militia shall be allowed the following commissioned officers, viz: one chief surgeon, with the rank of lieutenant commander; one surgeon with the rank of lieutenant, and there may be to each division of the naval militia one assistant surgeon with the rank of lieutenant (junior grade). The appointment of the commissioned officers of the medical department of the naval militia shall be made by the com-

Chaplain.

Division.

Elected officers.

Pay department.

Medical department.

mander-in-chief upon the recommendation of the commanding officer of the naval militia; *provided*, that no person shall receive the appointment as an officer of the medical department of the naval militia unless he is a licensed graduate of a medical school. Except as otherwise provided in this chapter, all officers in the naval militia, except commissioned officers of the medical department, prior to being commissioned consequent upon an election or appointment, shall be subject to examination as to qualification and general fitness for the service by a board of officers to be detailed by the commander-in-chief. The warrant officers, chief petty officers, and petty officers of the naval militia shall be the same as in the United States navy and of such numbers as the exigencies of the service may require. Warrants for warrant officers may be issued by the adjutant general upon recommendation of the commanding officer of the naval militia. Chief petty officers and petty officers shall be appointed by the commanding officer of the naval militia. The organization of the naval militia shall conform generally to the provisions of the laws of the United States; and the system of discipline and exercise shall conform, as nearly as may be, to that of the navy of the United States, as it is now, or may hereafter be prescribed by congress, and that prescribed by the provisions of the Political Code relating to the national guard of California; and the commander-in-chief shall have power to alter, divide, annex, consolidate or disband the naval militia, whenever in his judgment the efficiency of the state forces will thereby be increased, and he shall have power to make such rules and regulations as may be deemed proper for the use, government, and instruction of the naval militia, but such rules and regulations shall conform as nearly as practicable to those governing the United States navy. The commander-in-chief is authorized to apply to the president of the United States for the detail of commissioned and petty officers of the navy to act as inspectors and instructors in the art of naval warfare. Summary courts-martial for the naval militia, when necessary, shall be ordered by the commanding officer of the naval militia, and general courts-martial for the naval militia, when necessary, shall be ordered by the commander-in-chief, and shall be organized and conducted under the laws, regulations and usages of the United States navy, and the provisions and sections relating to military courts in this chapter. The proceedings shall be reviewed and sentence executed as provided in this chapter. Vessels loaned by the United States government to the State of California for the use of the naval militia, shall be commanded by the ranking line officer resident at the port to which such vessel is assigned. The commanding officer of the naval militia is authorized to enlist and organize a band of not less than twenty-eight enlisted men, and there shall be allowed, audited and paid to the commanding officer of the naval militia for the purchase and care of instruments, music and the proper incidental expenses of the said band, the sum of seventy-five

Warrant officers.

Organization of naval militia.

Inspectors.

Courts-martial.

Band.

dollars per month to be audited, allowed and paid as similar allowances are audited, allowed and paid to similar organizations of the national guard.

CHAPTER 601.

An act to provide for the conditional sale of railroad and street railway equipment or rolling stock, to regulate the making and recording of contracts therefor and declarations of the payment or performance thereof, and to authorize their recordation in the office of the secretary of state.

[Approved June 13, 1913. In effect August 10, 1913.]

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

SECTION 1. In any contract for the sale of railroad or street railway equipment or rolling stock, it shall be lawful to agree that title to the property sold or contracted to be sold, although possession thereof may be delivered immediately or at any time or times subsequently, shall not vest in the purchaser until the purchase price shall be fully paid, or that the seller shall have and retain a lien thereon for the unpaid purchase money. And in any contract for the leasing or hiring of such property, it shall be lawful to stipulate for a conditioned sale thereof at the termination of such contract, and that the rentals or amounts to be received under such contract may, as paid, be applied and treated as purchase money, and that the title to the property shall not vest in the lessee or bailee until the purchase price shall have been paid in full, and until the terms of the contract shall have been fully performed, notwithstanding delivery to and possession by such lessee or bailee; *provided*, that no such contract shall be valid as against any subsequent judgment creditor or any subsequent bona fide purchaser for value and without notice, unless (1) the same shall be evidenced by an instrument executed by the parties and duly acknowledged by the vendee, lessee, or bailee, as the case may be, or duly proved before some person authorized by law to take acknowledgments of deeds, and in the same manner as deeds are acknowledged or proved; (2) such instrument shall be filed for record in the office of the secretary of state of this state; (3) each car or locomotive engine so sold, leased, or hired, or contracted to be sold, leased, or hired as aforesaid, shall have the name of the vendor, lessor, or bailor plainly marked in letters not less than one inch in size on each side thereof, followed by the word "owner," or "lessor," or "bailor," as the case may be.

SEC. 2. The contracts herein authorized shall be filed with the secretary of state and recorded by him in a book of records to be kept for that purpose. And on payment in full of the purchase money and the performance of the terms and conditions stipulated in any such contract, a declaration in writing

to that effect shall be made by the vendor, lessor, or bailor, or his or its assignee, which declaration shall be made by a separate instrument, to be acknowledged by the vendor, lessor, or bailor, or his or its assignee, and recorded as aforesaid. The secretary of state shall collect and pay into the state treasury five dollars for filing each of such contracts or declarations and twenty cents per folio for recording the same.

Fec.

Contracts
not
affected.

SEC. 3. This act shall not be held to invalidate or affect in any way any contract heretofore made of the kind referred to in section one hereof, and any such contract heretofore made may, upon compliance with the provisions of this act, be recorded as herein provided.

CHAPTER 602.

An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people.

*Third
Seawall
Bonds*

[Approved June 16, 1913. In effect December 31, 1914.]

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

Bonds for
San Fran-
cisco har-
bor im-
provement.

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the erection of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco, at a cost not to exceed ten million dollars (which said wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith the board of state harbor commissioners are hereby empowered to construct and do in the manner authorized by law, and at a cost not to exceed ten million dollars), the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section ten hereof, prepare ten thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of ten million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the date of issuance thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at such place in the United States as

Interest.

may be designated in the bonds (full authority to designate such place being hereby conferred on the governor who shall sign said bonds), at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of July, A. D. nineteen hundred and fifteen, and shall be made payable on the second day of July, nineteen hundred and eighty-nine. The interest accruing on such of said bonds as are sold, shall be due and payable at the place designated in said bonds as aforesaid, on the second day of January, and on the second day of July, of each year after the sale of the same; *provided*, that the first payment of interest shall be made on the second day of July, nineteen hundred and sixteen, on so many of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all bonds sold shall cease to bear interest and likewise all bonds redeemed by lot shall cease to bear interest as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of the moneys in the third San Francisco seawall sinking fund provided for in this act, and, he shall on the first Monday of July, nineteen hundred and eighty-nine, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the second day of July, 1915, and each of said bonds shall have the seal of the state stamped thereon. The said bonds signed, countersigned and endorsed and sealed as herein provided when sold shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person signing, countersigning and endorsing, or any or either of them, shall have ceased to be the incumbent of such office or offices. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and fifty-four.

Life of bonds.

Paid from third sinking fund.

Subject to redemption by lot.

SEC. 2. Interest coupons shall be attached to each of said bonds so that such coupons may be removed without injury to, or mutilation of the bond. Said coupons shall be consecutively numbered, and shall bear the lithographed signature of the state treasurer who shall be in office on the second day of July, 1915. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Interest coupons.

SEC. 3. The sum of five thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund on controller's warrants, duly drawn for that purpose.

Appropriation.

SEC. 4. When the bonds authorized to be issued under this

Sale of bonds.

act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the board of state harbor commissioners, and approved by either the governor of the state or mayor of the city and county of San Francisco, who shall only approve the same when in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds and the consequent increased burden on harbor receipts; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and he may, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof, offered, to such time and place as he may select. Before offering any of said bonds for sale the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The cost of such publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for the purpose. The proceeds of the sale of such bonds except such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "third San Francisco seawall fund" and must be used exclusively for the construction of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith on the water front of the city and county of San Francisco. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Francisco harbor improvement fund. The amount that shall have been paid at the sale of said bonds as accrued interest on the bonds sold shall be, by the state treasurer, immediately after such sale, paid into the treasury of the state and placed in the "third San Francisco seawall sinking fund."

Approval
of sale.Matured
coupons
detached.Notice
of saleDisposi-
tion of
proceeds.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "third San Francisco seawall sinking fund," shall be, and the same is hereby created, as follows, to wit: The state treasurer, after the second day of July, nineteen hundred and thirty-three, shall on the first day of each and every month thereafter, after the sale of such bonds, take from the San Francisco harbor improvement fund such sum as, multiplied by the time in months the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said San Francisco harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the third San Francisco seawall sinking fund created by this act. Said state treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of the bonds of the United States, or of the State of California, including any bonds authorized, issued and theretofore sold under authority of this act or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. The state treasurer may only purchase such bonds authorized and issued under authority of this act with moneys in said sinking fund as have been theretofore sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the San Francisco harbor improvement fund, and pay into said seawall sinking fund, an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and crantage to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of May, in the year nineteen hundred and fifty-five and between the first and tenth day of May of each year thereafter until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of June following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so

Third San Francisco seawall sinking fund created.

Investment of funds.

Collections from dockage, tolls, rents, etc.

Payment by lot after 1855.

drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of July, following, and that from and after such last named date: all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and fifty-five, the said treasurer shall in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. In the event that the state treasurer employs moneys in said sinking fund in the purchase of any bonds authorized, issued and theretofore sold under authority of this act, than at the time in this section provided for the drawing of bonds by lot, and immediately preceding such drawing the state treasurer shall retire and cancel any bonds in said sinking fund authorized, issued and sold under authority of this act, and the amount in said sinking fund remaining at the time shall constitute the amount for the purposes of such drawing. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Francisco harbor improvement fund. At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, except bonds authorized, issued and sold under authority of this act, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in extinguishment of said bonds on controller's warrants duly drawn for that purpose.

Bonds purchased by treasurer under this act retired.

Sale of other bonds in sinking fund.

Record of proceedings.

SEC. 6. The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Duty of treasurer to pay interest.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

In effect December 31, 1914.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, nineteen hundred

and fourteen, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect ninety days after the final adjournment of the session of the legislature passing this act.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, nineteen hundred and fourteen, and all ballots at said election shall have printed thereon and at the end thereof, the words, "For the San Francisco harbor improvement act of 1913," and in the same square under said words the following, in brier type: "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of San Francisco harbor improvement fund." In the square immediately below the square containing said words, there shall be printed on said ballot the words: "Against the San Francisco harbor improvement act of 1913," and immediately below said words "Against the San Francisco harbor improvement act of 1913" in brier type shall be printed "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of the San Francisco harbor improvement fund." Opposite the words, "For the San Francisco harbor improvement act of 1913" and "Against the San Francisco harbor improvement act of 1913," there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Francisco harbor improvement act of 1913," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Francisco harbor improvement act of 1913." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Submitted to people.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Canvass of votes.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, nineteen hundred and fourteen, the costs of publication shall be

Act published in each county.

paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

Title
of act.

SEC. 12. This act may be known and cited as the "San Francisco harbor improvement act of 1913."

SEC. 13. All acts and part of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 603.

An act to appropriate twelve thousand dollars to be expended by and under the direction of the state department of engineering, for the purpose of painting the state capitol building at Sacramento.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Appropriation:
painting
state
capitol.

SECTION 1. The sum of twelve thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the state treasury not otherwise appropriated, to be expended by and under the direction of the state department of engineering for the inside and outside painting of the state capitol building at Sacramento.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in such sums and at such times as the state department of engineering shall present claims therefor, and the state treasurer is hereby authorized to pay the same.

CHAPTER 604.

An act to create a board of harbor commissioners for the port of San Jose on the southerly arm of San Francisco bay, and to prescribe their powers and duties and to fix their compensation and the compensation of their employees and to appropriate money to carry this act into effect.

[Approved June 14, 1913. In effect August 10, 1913.]

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

San Jose
harbor
commission
created.

SECTION 1. The board of harbor commissioners for the port of San Jose on the southerly arm of the bay of San Francisco, to consist of three persons, is hereby constituted with such powers and duties as are prescribed by law and the provisions of this act. Within thirty days after this act takes effect the governor shall appoint one of said commissioners to hold office for two years, one of said commissioners to hold office for three years, and one of said commissioners to hold office for four years from the dates of their respective commissions and until their successors are appointed and qualified; and thereafter the said three officers shall be thereafter appointed by the governor for a term of four years from the

dates of their respective commissions and until their successors are appointed and qualified. All persons appointed commissioners by virtue of this act, must be qualified electors or freeholders of the city of San Jose and shall serve without compensation. If a vacancy occurs from any cause in the office of a commissioner appointed under the provisions of this act before the expiration of his term, his successor shall be appointed and hold office only for the unexpired portion of said term. Within thirty days after the appointment of said commissioners, the said board shall meet and organize by electing one of its members president and executive officer of said board. It shall be the duty of the president to preside at the meetings of the board, and to supervise the official conduct of all of its employees and officers, especially in the collection, custody and disbursement of the revenues, and to require that all the books, papers and accounts be accurately kept and in proper form, and all the provisions of law and the regulations of the board be enforced and observed. He may administer official oaths to the officers and employees of the board, except the other commissioners, and to all persons in relation to the business of the board.

No compensation.

Organization of board.

SEC. 2. The said board, upon entering upon the duties of their office, may, as soon as they deem it necessary for the performance of the duties required by this act, and have funds at their disposal to pay the salaries or compensation for services rendered, appoint the following officers, to wit: A secretary, an attorney, a chief wharfinger, and such assistant wharfingers and collectors as they may deem necessary. Such persons shall hold office at the pleasure of said board, and shall receive such salaries as said board may fix therefor, not to exceed, however, the following sums: Said secretary, the sum of twelve hundred dollars per annum; said attorney, one thousand dollars per annum; said chief wharfinger, the sum of one thousand dollars per annum; and said assistant wharfingers and collectors, nine hundred dollars per annum each. Said board shall require of said officers, official bonds in such sums as they may deem necessary and proper, and may, at any time, increase the amounts thereof.

Officers.

Secretary, etc.

Salaries.

SEC. 3. The secretary must keep the office of the board open every day, legal holidays excepted, and shall safely keep all books and papers of the board; attend their meetings; keep a perfect record of their proceedings, and proper books of account of all moneys received and paid, and send to the state controller on the 15th day of each month, a statement of such receipts and expenditures under oath for the preceding month, showing in detail the sources from which such moneys were received and the purposes for which they were expended, and the disposition of all moneys received by said board. He shall keep a record of all contracts and agreements made by the board and also all bonds executed by the officers of the board, and a record of all personal property purchased, and its cost, and the disposition of the same.

Secretary's duties.

Attorney's
duties.

Wharfing-
er's duties.

SEC. 4. The attorney for the board shall attend the prosecution and defense of all suits and render all legal services which may be required of him by the board. The chief wharfinger must station, berth and regulate position of vessels in docks and harbors, and cause them to remove from time to time and from place to place as general business, safety and good order may require; he shall supervise the wharfingers and collectors, and require all vessels to conform to the regulations of the board, and have general charge and supervision over all wharves, docks, slips, piers and other premises under the jurisdiction of the board, and make due report to the board of all of his acts, and of all vessels coming into the harbors, or using the docks under the supervision of said board; and perform such other duties as may be required by the board from time to time.

Collector's
duties.

SEC. 5. The collectors must collect the revenues in such manner as the board may direct, and shall daily account for and pay in to the secretary of said board all moneys so collected by them.

Jurisdic-
tion of
commis-
sioners.

SEC. 6. The board of harbor commissioners for the port of San Jose, shall have possession and control of, and jurisdiction over, all those portions of Alviso slough, sometimes called Steamboat slough, Guadalupe slough or river, Coyote river and Devil's slough, as are now or may hereafter be declared to be navigable waters and public ways, and all of that portion of the bay of San Francisco lying within three miles of the mouths of said sloughs, and the shores along the same, together with all of the improvements, rights, privileges, easements and appurtenances connected therewith, or in any wise appertaining thereto, for the purposes in this act provided, excepting that nothing herein shall interfere with any private rights already secured in any of the said premises, other than by due process of law, or in the exercise of the right of eminent domain. Said board are authorized and empowered to make such rules and regulations, and take such action as may be necessary and proper for the said protection and encouragement of navigation within their jurisdiction, and may regulate the erection and extension of wharves and piers, and regulate the tolls, wharfage or dockage to be charged thereon. They may prescribe and regulate the manner in which rafts, boats, or vessels may enter or depart from, or lie at anchor in, any harbor within their jurisdiction, or be moved to any wharf or pier, and may prevent and remove obstructions to the regular ebb and flow of the tides, and the deposit and escape into the waters of the bay, or said sloughs, of substances likely to injure, interfere with, or impede navigation, or to create shoals or shallows in, or lessen the depth of the water thereof, and may regulate the speed of vessels moving in said waters. They shall construct such number of wharves, piers and docks as the wants of commerce shall require and locate them at such points upon said lands as the board may deem most suitable and for the best interest of commerce, and shall repair and maintain all wharves, piers, landings and thor-

Rules of
naviga-
tion.

Wharves.

oughfares as the wants of commerce may require, and generally erect all such improvements as may be necessary for the safe landing, loading and unloading, and protection of all classes of merchandise, and for the safety and convenience of passengers. The commissioners may institute and prosecute to final judgment, actions in the name of the people of the State of California for the possession of any portion of the shores or lands lying contiguous thereto, in the exercise of eminent domain, and for the uses and purposes in this act specified; and may so sue for the collection of any money due, or which may become due, by virtue of this act, and may also institute and prosecute to final judgment, actions for the removal of all obstructions in or upon said premises. They may construct such harbor embankment or seawall as may be necessary to protect the commerce in the waters within their jurisdiction, and may dredge such number of slips and docks as such commerce may require.

Condemnation proceedings.

Seawall.

SEC. 7. The charge for the wharfage and tolls which may be fixed by said board shall be a lien upon all goods, wares and merchandise landed upon any of said wharves or docks and said lien may be enforced in the same manner as other liens.

Tolls lien on goods.

SEC. 8. The embankments, sea walls, thoroughfares, streets, wharves and other public places provided for in this act, are hereby declared to be for public use, and the laying out and construction of which the right of eminent domain may be exercised by the said board of harbor commissioners in the name of the people of the state, and in the manner provided in part III, title VIII of the Code of Civil Procedure of the State of California. The said board are authorized to pay out of any moneys coming into their hands, any compensations and damages assessed in such proceedings.

Embankments, etc. for public use.

SEC. 9. No greater amount of money in rent shall be collected for dockage, wharfage, tolls and rents by the said board than shall be necessary to construct and keep in repair such number of wharves, piers, landings, thoroughfares, and to dredge such number of slips and docks, and to construct and keep in repair such sea walls and harbor embankments as are necessary for the convenience of commerce, and to pay the salaries and incidental expenses authorized by this act.

Limit of rent, etc.

SEC. 10. The sum of two thousand five hundred dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be used in putting into effect the provisions of this act; and the money hereby appropriated shall become available on the first day of October, 1913, and shall be set aside in a separate fund to the credit of said board of harbor commissioners for the port of San Jose and paid out upon warrants drawn therefor by the controller as directed by the said board; and the said controller is hereby authorized and directed to draw his warrants in favor of such persons and in such amounts as may be designated by said board, and the said treasurer is hereby directed to pay such warrants.

Appropriation.

CHAPTER 605.

An act to amend section five hundred and twenty-nine of the Political Code relating to printing.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section five hundred and twenty-nine of the Political Code is amended to read as follows:

Style of
printing.

529. The superintendent of state printing shall decide upon the style and manner of printing all laws and other state documents.

CHAPTER 606.

An act appropriating money for wiring and piping the conduit at Agnews State Hospital.

[Approved June 16, 1913. In effect immediately.]

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

Appropriation,
wiring, etc.,
Agnews.

SECTION 1. The sum of thirty thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law for wiring and piping the conduit and altering and repairing the steam distributing lines and electric wiring at the Agnews State Hospital.

Current
expenses.

SEC. 2. This act inasmuch as it provides for an appropriation for the usual current expenses of the state, shall under the provisions of section 1 of article IV of the constitution take effect immediately.

CHAPTER 607.

An act to appropriate the sum of thirty-two hundred and twelve dollars and ninety-four cents (\$3,212.94), to pay the claim of J. Harry Russell.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Appropriation:
claim.
J. Harry
Russell.

SECTION 1. There is hereby appropriated out of the funds in the state treasury not otherwise appropriated, the sum of thirty-two hundred and twelve dollars and ninety-four cents (\$3,212.94), to pay the claim of J. Harry Russell against the State of California.

SEC. 2. The state controller is hereby authorized to draw his warrant for the same, and the state treasurer is hereby authorized to pay the same.

CHAPTER 608.-

An act establishing a state normal school in Humboldt county, State of California, to be known as "Humboldt State Normal School," and making an appropriation for the maintenance of said school.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. There shall be established in Humboldt county, State of California, a state normal school to be called the "Humboldt State Normal School," for the training and education of teachers and others in the art of instructing and governing the public schools of this state, the course of study prescribed for use in said school to include agriculture and manual training; said school to be located at such place in said county as the board of trustees hereinafter provided for shall select.

Humboldt
Normal
School es-
tablished.

SEC. 2. The governor shall within thirty days after this act becomes effective, appoint five persons, one for one year, one for two years, one for three years and two for four years, the successors of each to be appointed for four years thereafter, and the persons so appointed, with the governor and state superintendent of public instruction, shall constitute the board of trustees of said normal school.

Board of
Trustees.

SEC. 3. The said trustees shall after their appointment and within sixty days after a building therefor shall have been provided as hereinafter required, establish and cause to be opened and carried on said normal school at said place so selected by said board of trustees, and shall provide suitable furniture and equipment for the same, and may accept from the county of Humboldt, or from the board of education thereof, or from any incorporated city, town or municipality in said county, or any board of education of any such city, town or municipality, or from any person or persons a lease of suitable building or buildings and grounds free of charge, for the use of said school.

Duties.

SEC. 4. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for establishing and maintaining said state normal school, and providing suitable accommodations therefor.

Appropriation.

SEC. 5. The money hereby appropriated shall be made available and payable according to law out of the state treasury as follows: No portion thereof shall be available until a two-year lease, free of charge, and acceptable to said board of trustees, of a suitable building or buildings and grounds for the use of said school, shall have been executed and delivered by some of those from whom, under section three, said board of trustees is authorized to accept such lease, to said board of trustees. After the execution and delivery of such lease, not more than five thousand dollars of said amount shall be available in the sixty-fifth fiscal year and the remainder thereof shall be available the following fiscal year.

When
available.

CHAPTER 609.

An act making an appropriation for the location and survey of a proposed highway to connect the counties of Trinity, Tehama and Shasta with the road system of Humboldt county.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Appropriation:
highway,
Peanut,
Trinity
county, to
Beegum
creek.

Work
under de-
partment
of en-
gineering.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of three thousand dollars (\$3,000.00) for the location and survey of a proposed highway to connect the counties of Trinity, Tehama and Shasta with the road system of Humboldt county.

SEC. 2. The work of locating and surveying said proposed highway shall be under the management and control of the state department of engineering and it shall be the duty of said state department of engineering to start said survey from a point at or near Peanut in Trinity county, to which said point a certain highway is now completed, and continue said survey upon the best grounds and grade, consistent with the country to be traversed, to a point on the county line between the counties of Tehama and Shasta in township 29 north, range 9 west, M. D. M., at Beegum creek. Upon the completion of said survey the state department of engineering shall make a complete report in relation thereto.

SEC. 3. The state controller is directed and instructed to draw his warrants in such amounts and at such times as the department of engineering may present claims therefor, and the state treasurer is directed to pay the same.

CHAPTER 610.

An act declaring and establishing a state highway from the city of Bakersfield through a portion of the counties of Kern, San Luis Obispo, Santa Barbara and Ventura to the city of San Buenaventura, designated and known as the Bakersfield, Maricopa and Ventura state highway.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Certain
highway
declared
state
highway.

Course.

SECTION 1. A certain highway now partly constructed and partly in course of construction by the several counties through which the same passes and running substantially along the following lines, courses and distances:

Commencing at a point on the proposed California state highway between Bakersfield and Los Angeles about seven miles south of the city of Bakersfield, thence following the present county road west six miles; then south twelve miles; thence west one half mile; thence south three quarters of a

mile; thence west eight miles; thence southwest four miles; ^{Course.} thence west five miles to the town limits of the city of Maricopa, Kern county; thence following a survey made by M. W. Buffington, southwest thirteen miles to the western boundary of Kern county in the W. $\frac{1}{4}$ of Sec. 20, T. 10 N., R. 24 W.; being a total distance in the county of Kern of 49 $\frac{1}{2}$ miles, of which 36 $\frac{1}{2}$ miles lie along the present county road and thirteen miles are new road from the city of Maricopa to the Kern county line.

Thence from a junction at the Kern county line with the proposed road as surveyed by Buffington, according to a survey made by A. F. Parsons, for a distance of approximately five miles in the county of San Luis Obispo west about one mile through the lands of the Kern County Land Company and the Cuyama rancho; thence southwesterly one mile and a half; thence south three quarters of a mile; thence easterly three quarters of a mile; thence southeasterly about one mile, through the lands of the Santa Barbara forest reserve and of S. B. Miller, said line of proposed road in San Luis Obispo county following along the easterly side of the Cuyama river and in the valley of said Cuyama river; to the south line of San Luis Obispo county.

Thence from a junction at the San Luis Obispo county line with the proposed road as surveyed by Parsons from a point on the north line of the county of Santa Barbara, according to a survey made by A. C. Hollister, said junction point being in Sec. 11, T. 9 N., R. 25 W., S.B.M., and running in a general southeasterly direction, following the valley of the Cuyama river for a distance of eight and one tenth miles to a point in the eastern boundary of Santa Barbara county in Sec. 17, T. 8 N., R. 24 W., S.B.M.

Thence from a junction at the Santa Barbara county line with the Hollister survey, starting from the western boundary of Ventura county in the valley of the Cuyama river, according to a survey made by A. M. Barton, beginning at a point in Sec. 17, T. 8, R. 24 W., S.B.M., approximately 1100 feet south of the northern boundary of section seventeen; thence southeasterly along the northeasterly bank of the Cuyama river a distance of ten miles to a point near the center of Sec. 19, T. 7 N., R. 23 W., on the southerly bank of the Cuyama river; thence east about three quarters of a mile to a point in the west half of Sec. 20, T. 7 N., R. 23 W.; thence south through the west half of the west half of Sec. 20, T. 7 N., R. 23 W., and the west half of the west half of Sec. 29, T. 7 N., R. 23 W., on the east side of Boulder canyon; thence south on the west side of Boulder canyon through the east half of the southeast quarter of Sec. 30, and the west half of Sec. 32, T. 7 N., R. 23 W.; thence southwest passing the great saddle rock, to a point on the summit of Pine mountain at the quarter corner between sections 5 and 6, T. 6 N., R. 23 W.; thence south along the west side of Chorro Chiquito canyon through sections 6, 7, 8 and 18, T. 6 N., R. 23 W., to the valley of the Sespe river; thence crossing the Sespe river and south up the east side of

Course. Cherry creek canyon through sections 19, 30 and 31, T. 6 N., R. 23 W., to the summit of Ortega hill in section 31, T. 6 N., R. 23 W.; thence from the top of Ortega hill and following along the Wheeler ridge, passing through the southwest corner of Sec. 32, T. 6 N., R. 23 W., through the northeast corner of Sec. 1, T. 5 N., R. 24 W., through the center of Sec. 6, T. 5 N., R. 23 W., to the southeast corner of Sec. 5, T. 6 N., R. 23 W.; thence south through sections 8 and 9, T. 6 N., R. 23 W., to a point near the one quarter corner on the south side of Sec. 8, T. 5 N., R. 23 W.; thence south to the center of Sec. 18, thence southeast through sections 18, 19, 20 and 29, T. 5 N., R. 23 W., to a point in the Matilija road near the Matilija hot springs, in said Sec. 29, a distance of approximately forty-five miles of the new road to be constructed under the Barton survey, said road in Ventura county lying entirely within the Santa Barbara forest reserve. Thence southeasterly with the Matilija and Meiners roads, said roads being county roads, to the town of Nordhoff, a distance of five miles; thence southerly with the San Antonio creek road, the Nordhoff road and the Ventura avenue to the northerly limits of the city of San Buenaventura, a distance of seventeen miles; being a total distance in the county of Ventura of 67 miles, of which approximately forty-five miles is new road, and of the balance five miles are to be rebuilt upon the proposed abandonment of that distance along the Matilija and Nordhoff roads.

Designated
Bakers-
field, Maricopa and
Ventura
state
highway.

The entire length from Ventura to Bakersfield being one hundred twenty-nine and twenty-five one hundredths miles, or thereabouts; is hereby declared to be, and the same is hereby constituted, a state highway, and shall be designated and known as the Bakersfield, Maricopa and Ventura state highway, and the same is hereby placed under the supervision and control of the state board of engineering; *provided*, that said highway shall not be and become a state highway, and be and become subject to the supervision and control of the state board of engineering until said highway shall have been fully completed.

CHAPTER 611.

An act to amend section 1617 of the Political Code of the State of California defining the powers and duties of boards of school trustees and city boards of education.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1617 of the Political Code of the State of California is hereby amended to read as follows:

1617. The powers and duties of trustees of common school districts, and of boards of education in city school districts, are as follows:

First—To prescribe and enforce rules, not inconsistent with law, or those prescribed by the state board of education,

Powers
and duties
of school
trustees.

Rules.

for their own government and government of schools, and to transact their business at regular or special meetings, called for such purpose, notice of which shall be given each member.

Second—To manage and control the school property within their districts, and pay all moneys collected by them, from any source whatever, for school purposes, and all moneys apportioned to them from taxes levied and collected under the authority of city councils for school purposes, into the county treasury, to be placed to the credit of the proper fund of their districts. Control school property.

Third—To purchase school furniture, including organs and pianos, and apparatus, and such other things as may be necessary for the use of schools; *provided*, that except in city school districts governed by boards of education, they purchase such books and apparatus only as have been adopted by the county board of education. Purchase furniture, etc.

Fourth—To rent, furnish, repair and insure the school property of their respective districts, such insurance to be written in any solvent insurance company doing business in this state or in any mutual insurance company organized under the laws of this state. To grant the use of school buildings or grounds for public, literary, scientific, recreational or educational meetings, or for the discussion of matters of general or public interest, upon such terms and conditions as said trustees or boards of education may deem proper; *provided, however*, that said use shall not be inconsistent with the use of said buildings or grounds for school purposes nor interfere with the regular conduct of school work; *and provided, further*, that no privilege of using said buildings or grounds shall be granted for a period exceeding one year, such privilege being renewable and revocable in the discretion of said trustees or boards of education. Rent, etc., school property.

Fifth—When directed by a vote of their districts to build schoolhouses or to purchase or sell school lots. Build school-houses.

Sixth—To make, in the name of the district, conveyances on all property belonging to the district, and sold by them.

Seventh—(a) To employ a principal for each school under their control, and in schools employing eight teachers or more, they may employ a supervising principal for one or more schools under their control, and in each city school district governed by a city board of education to employ a city superintendent of schools and when necessary deputy or assistant city superintendent of schools, and to fix and order paid the compensation of the same unless the same be otherwise prescribed by law; *provided*, that any supervising principal, city superintendent, or deputy, or assistant city superintendent, who shall be employed after the passage of this act, may be employed for four years. Employ principals.

(b) To employ the teachers, and immediately notify the county superintendent of schools, in writing, of such employment, naming the grade of certificate held by the teacher employed; also to employ janitors and other employees of the Employ teachers.

school; to fix and order paid their compensation, unless the same be otherwise prescribed by law; *provided*, that no board shall enter into any contract with such employes to extend beyond the close of the next ensuing school year; except that teachers may be elected on or after June first for the next ensuing school year, and each teacher so elected shall be deemed reelected from year to year thereafter unless the governing body of the school district shall on or before the tenth day of June give notice in writing to such teacher that his services will not be required for the ensuing school year. Such notice shall be deemed sufficient and complete when delivered in person to the teacher by the clerk or secretary of the governing body of the school district, or deposited in the United States mail with postage prepaid addressed to such teacher at his last known place of address: *and provided, further*, that any teacher who shall fail to signify his acceptance within twenty days after such election shall be deemed to have declined the same; *and provided, further*, that any board of trustees or city board of education may pay the teachers employed by them by the calendar month in twelve payments instead of by the school month, beginning such payments on the first Monday of the calendar month following the opening of the schools for the current school year, and continuing such payments from month to month on the first Monday of each calendar month until the teachers have been paid the full amount due to them.

Suspend
pupils.

Eighth—To suspend or expel pupils for misconduct, when other means of correction have failed to bring proper conduct.

Exclude
children
under six
years.

Ninth—To exclude from the schools children under six years of age, except as hereinafter provided; *provided*, that where the kindergarten is a part of the day elementary schools, children may be admitted to the kindergarten classes at four and one half years of age; *and provided, further*, that where any district has established a school for the instruction of the deaf, such children may be admitted to the deaf school at three years of age. In the enforcement of the provisions of this section children shall be admitted to the beginning classes of any school during the first month of the school year, or when the school year is divided into school terms, during the first month of each term, and children who will be six years of age before the end of the six months of the school year, or before the end of the third month of the school term, shall be admitted at the beginning of the school year, or the school term, and children who will not be six years of age by the end of the period specified, shall not be admitted until the beginning of another school year or school term. *Beginners* shall in like manner be admitted to the beginning classes of the kindergarten during the first month of the school year, or of the school term, if the school year be divided into terms, if such children will be four and one half years of age before the end of the sixth month of the school year and before the end of the third month of the school term, and children who will not be four and one half years of age within the period specified shall not be admitted

Beginners.

to the kindergarten classes until the beginning of another school year or term.

Tenth—To enforce in schools the course of study and the use of text-books prescribed and adopted by the proper authority.

Eleventh—To appoint and, in their discretion, pay district librarians, and enforce the rules prescribed for the government of district libraries. District librarians.

Twelfth—To exclude from school and school libraries all books, publications, or papers of a sectarian, partisan or denominational character. Sectarian publications.

Thirteenth—To keep a register, open to the inspection of the public, of all children applying for admission and entitled to be admitted into the public schools, and to notify the parents or guardians of such children when vacancies occur, and receive such children into the schools in the order in which they are registered. Register of children.

Fourteenth—To permit children from other districts to attend the schools of their district only upon the consent of the trustees of the district in which such children reside; *provided*, that should the trustees of the district in which children whose parents or guardians desire them to attend in other districts reside, refuse to grant their consent, the parents or guardians of such children may appeal to the county superintendent and his decision shall be final. Children from other districts.

Fifteenth—To make an annual report, on or before the first day of July, to the superintendent of schools in the manner and form and on the blanks prescribed by the superintendent of public instruction. Annual report.

Sixteenth—To make a report, whenever required, directly to the superintendent of public instruction, of the text-books used in their schools. Report text-books used.

Seventeenth—To visit every school in their district at least once in each term, and examine carefully into its management, conditions, and wants. This clause to apply to each and every member of the board of trustees. Visit schools.

Eighteenth—Boards of trustees may, and upon a petition signed by a majority of the heads of families resident in the district, must call meetings of the qualified electors of the district for determining or changing the location of the schoolhouse, or for consultation in regard to any litigation in which the district may be engaged, or be likely to become engaged, or in regard to any affairs of the district. Such meetings shall be called by posting three notices in public places, one of which shall be in a conspicuous place on the schoolhouse, for not less than ten days previous to the time for which the meeting shall be called, which notices shall specify the purposes for which said meetings shall be called; and no other business shall be transacted at such meetings. District meetings shall be organized by choosing a chairman from the electors present, and the district clerk shall be clerk of the meeting, and shall enter the minutes thereof on the records Change of location of schools.

Instruc-
tions.

of the district. A meeting so called shall be competent to instruct the board of trustees:

1. In regard to the location or change of location of the schoolhouse, or the use of the same for other than school purposes; *provided*, that in no case shall the schoolhouse be used for purposes which necessitate the removal of any school desks or other school furniture.

2. In regard to the sale and purchase of school sites.

3. In regard to prosecuting, settling or compromising any litigation in which the district may be engaged, or be likely to become engaged, and may vote money, not exceeding one hundred dollars in any one year, for any of these purposes in addition to any amount which may be raised by the sale of district school property, and the insurance of property destroyed by fire; *provided*, that the proceeds of the insurance of the library and apparatus shall be paid into the library fund. All funds raised by the sale of school property may be disposed of by direction of a district meeting. District meetings may be adjourned from time to time, as found necessary, and all votes instructing the board of trustees shall be taken by ballot, or by ayes and noes vote, as the meeting may determine. The board of trustees shall, in all cases, be bound by the instructions of the district meeting in regard to the subjects mentioned in this section; *provided*, that the vote in favor of changing the location of the schoolhouse be two thirds of all the electors voting at said meeting upon the proposition to change the location.

Prosecute
claims.

Nineteenth—Without the vote of the district to prosecute or compromise any litigation, claims, demands and causes of action arising from the destruction, partial or total, of any school building in the course of construction during the month of April, A. D. one thousand nine hundred and six, in which the district is or shall hereafter be engaged, and devote money for any of these purposes.

Let con-
tracts to
lowest
bidder.

Twentieth—To let all contracts involving an expenditure of more than two hundred dollars for work to be done or for material or supplies to be furnished, except musical instruments, to the lowest responsible bidder who will give such security as the board may require or else to reject all bids; *providing*, that continuing contracts for materials and supplies may be made with an accepted bidder for a period of one year; *and provided, further*, that the board may repair old buildings by day's labor. For the purpose of securing bids the board must publish a notice calling for bids, stating the work to be done or materials or supplies to be furnished, and the time when and the place where bids will be opened, at least once a week for two weeks in some daily or weekly newspaper published in the county, or if there is no such paper, then in some newspaper circulated in such county.

Health of
pupils.

Twenty-first—To give diligent care to the health and physical development of pupils, and where sufficient funds are

provided by district taxation, to employ properly certificated persons for such work.

Twenty-second—To provide for the transportation of pupils wherever in their judgment such transportation of pupils is advisable; *provided*, that such transportation of pupils shall not cost the district more than fifteen cents per pupil transported per day.

TRANSPORTATION OF PUPILS.

CHAPTER 612.

An act to amend that certain act entitled "An act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and to appropriate money therefor," approved May 1, 1911, by amending sections 8, 9, 11, 13, 14 and 18 thereof, and by repealing section 12 thereof and by adding two new sections to said act, which sections shall be numbered 12 and 12½, relating to the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and providing for the branding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes in certain cases.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section eight of an act entitled "An act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and to appropriate money therefor," approved May 1, 1911, is hereby amended to read as follows:

Section 8. That the term "misbranded," as used herein, shall apply to all insecticides, paris green, lead arsenate, or fungicides or articles which enter into the composition of insecticides or fungicides, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to all insecticides, paris green, lead arsenate, or fungicides which are falsely branded as to the state, territory, or country, in which they are manufactured or produced. That for the purpose of this act an article shall be deemed to be misbranded: In the case of insecticides, Paris green, lead arsenate, and fungicides: first, if it be an imitation or offered for sale under the name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package;

"Mis-branded" defined.

Mis-branded insecticides.

third, if in package form, and the contents are stated in terms of weight or measure they are not plainly and correctly stated on the outside of the package. In the case of insecticides (other than Paris green and lead arsenates) and fungicides: first, if it contains arsenic in any of its combinations or in the elemental form and the total amount of arsenic present (expressed as per centum of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form and the amount of arsenic in water-soluble forms (expressed as per centum of metallic arsenic) is not stated on the label; third, if it consists partially or completely of any inert substance or substances which do not prevent, destroy, repel or mitigate insects or fungi and does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label; *provided, however*, that in lieu of naming and stating the percentage amount of each and every inert ingredient the producer may at his discretion state plainly upon the label the correct names of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except in so far as to state the total percentage of inert ingredients present.

Names of
ingre-
dients.

SEC. 2. Section nine of an act entitled, "An act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and to appropriate money therefor," approved May 1, 1911, is hereby amended to read as follows:

Whole-
saler's
guarantee.

Section 9. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it; or a general guaranty may be filed with the secretary of the United States department of agriculture by the manufacturer, wholesaler, jobber or other party in the United States and be given a serial number, which number shall appear on every package of insecticide or fungicide sold under such guaranty with the words "guaranteed by" (the name of the guarantor) under the insecticide act of 1910; and in such cases said party or parties shall be amenable to the prosecutions, fines, or other penalties which would attach in due course to the dealer under the provisions of this act.

SEC. 3. Section eleven of an act entitled, "An act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and to appropriate money therefor," approved May 1, 1911, is hereby amended to read as follows:

Label.

Section 11. Every lot, parcel or package of commercial insecticides or fungicides or materials to be used for insecticidal

or fungicidal purposes, sold, offered or exposed for sale, within this state, shall be accompanied by a plainly printed label stating the name, brand and trade-mark, if any there be, under which the insecticide or fungicide is sold, the name and address of the manufacturer, importer, or dealer, the place of manufacture, and giving a correct general statement of the nature and composition, together with the name, of the insecticide or fungicide it accompanies, and the total percentage claimed to be therein of the substance or substances alleged to have insecticidal or fungicidal properties.

SEC. 4. Section thirteen of an act entitled, "An act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and to appropriate money therefor," approved May 1, 1911, is hereby amended to read as follows:

Section 13. The directory of the agricultural experiment station of the University of California shall, upon receipt of a sample of insecticide or fungicide, accompanied with a nominal fee of one dollar, furnish to the user of said commercial insecticide or fungicide, such examination or analysis of the sample as will substantially establish the conformity or non-conformity of the said insecticide or fungicide to the guarantee under which it is sold.

Analysis
of insecti-
cides.

SEC. 5. Section fourteen of an act entitled, "An act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and to appropriate money therefor," approved May 1, 1911, is hereby amended to read as follows:

Section 14. The directory of the agricultural experiment station of the University of California, in person or by deputy, is hereby authorized to purchase a sample, not exceeding one pound in weight, for analysis by the said director or his deputies, from any lot, parcel or package of insecticide or fungicide, or material, or mixture of materials used for insecticidal or fungicidal purposes, which may be in the possession of any manufacturer, importer, agent or dealer; but said sample shall be drawn in the presence of said party or parties in interest or their representatives. In lots of five tons or less, samples shall be drawn from at least ten packages, or, if less than ten packages are present, all shall be sampled; in lots of over five tons, not less than twenty packages shall be sampled. The samples so drawn shall be thoroughly mixed, and from it two equal samples shall be drawn and placed in glass vessels, carefully sealed, and a label placed on each, stating the name or brand of the insecticide or material sampled, the name of the party from whose stock the sample was drawn, and the time and place of drawing; and said label shall also be signed by the said director or his deputy making such inspection, and by the party or parties in interest or their representatives, present at the drawing and sealing of said samples. One of said dupli-

Purchase
of samples

cate samples shall be retained by the party whose stock was sampled, and the other by the director of the agricultural experiment station of the University of California.

SEC. 6. Section eighteen of an act entitled, "An act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and to appropriate money therefor," approved May 1, 1911, is hereby amended to read as follows:

Disposition
of fees.

Section 18. All moneys received from analytical fees shall be paid to the secretary of the board of regents of the University of California for the use of said board in carrying out the provisions of this act.

Repealed.

SEC. 7. Section twelve of an act entitled, "An act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and to appropriate money therefor," approved May 1, 1911, is hereby repealed.

SEC. 8. A new section, to be numbered section 12, is hereby added to that certain act entitled, "An act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and to appropriate money therefor," approved May 1, 1911, which section shall be in the words and figures following, to wit:

Insecticide
deemed
adulterated.

Section 12. No commercial insecticide, paris green, lead arsenate or fungicide shall be deemed to be adulterated under the provisions of this act, if the standard of strength, quality or purity thereof be plainly stated upon the bottle, box or container thereof, although the standard may differ from that determined by the provisions of section 7 hereof.

SEC. 9. A new section to be numbered 12½, is hereby added to that certain act entitled "An act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and to appropriate money therefor," approved May 1, 1911, which section shall be in the words and figures following, to wit:

Not appli-
cable to
certain
drugs.

Section 12½. The provisions of this act shall not apply to the sale of any of the preparations, drugs and chemicals of the United States Pharmacopœia or National Formulary, which conforms to the standard and tests prescribed in the latest edition of the United States Pharmacopœia or National Formulary, nor shall the provisions of this act apply to the sale of any medicinal or toilet preparations or substances guaranteed under the United States pure food and drugs act of June 30th, 1906, and the California pure food and drugs act, Statutes of California for 1907, chapter 187.

CHAPTER 613.

An act to amend section five hundred twenty-six of the Political Code of the State of California relating to the general duties of the superintendent of state printing.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section five hundred twenty-six of the Political Code of the State of California is hereby amended to read as follows:

Duties of superintendent of state printing.

Section 526. It is the duty of the superintendent of state printing:

One—To print the laws; the journals of the legislature; reports of state officers; public documents ordered to be printed by the legislature; blanks for the supreme court, the offices of governor, secretary of state, controller, treasurer of state, superintendent of public instruction, attorney general, surveyor general, and register of the land office; the bills, resolutions, and other job printing which may be ordered by either of the two houses of the legislature, and all other public printing for the state, unless otherwise expressly ordered by law.

Print laws, etc.

Two—To publish, prefixed to each volume of the laws, the names and place of residence of the governor, and other executive officers of the state, lieutenant governor, senators and representatives in the legislature, the presiding officers of the senate and assembly, and of commissioners of the State of California residing out of the state, and in office at the time of such publication.

List of state officers.

Three—To perform the duties required by the provisions of article XII, chapter II, title I, part III, of this code, and such other duties as are imposed upon him by law.

Four—He shall keep in his office, open to public inspection, a timebook, containing the name of every employee connected with the state printing office, the time employed, the rate of wages, and amount paid; and he shall certify, under oath, to the correctness of all claims for services rendered and materials furnished, which certificate shall be attached to and presented with each claim that shall be presented to the board of examiners for allowance, and no such claim shall be certified or allowed unless it be fully itemized.

Record of employees.

Five—He shall file in the office of the secretary of state, all proposals, bids, contracts, bonds, and other papers appertaining to the awarding of contracts now in his possession, or which may hereafter come into his possession, retaining in his office copies of the same; and the secretary of state shall promptly furnish the board of examiners, for their use, certified copies of all such papers.

Bids.

Six—All printing required by any of the state departments, boards, or any state officer, for the state, the order for the same shall be made out upon a printed blank, with voucher attached, to be furnished by the superintendent of the state

Course taken by orders for printing.

printing, and forwarded to the office of said superintendent, who shall enter upon a book kept in his office for that purpose, a transcript of said orders; and shall return with the work, when completed, to the person ordering the same, the original order, with duplicate voucher attached; said voucher to be signed by the person receiving the work, and returned to the superintendent of state printing, and both original and duplicate orders shall be kept on file in his office, and shall be a sufficient voucher for said work. The superintendent of state printing shall enter upon a book to be kept for said purpose, the name, quantity, and weight of paper used for each order printed. He shall also, certify, under oath, that all materials, stock, and paper furnished the office under contracts, are of the quality, kind and weight required by such contracts; and no claim arising under any contract shall be allowed or paid unless accompanied by such certificate. He shall also, retain and file in his office one copy or sample of each blank, circular, pamphlet, book, legislative bill, file, or report, or any other work emanating from the state printing office, excepting blank books, of which he shall file only sample sheets, said copies or samples shall bear a uniform number and date with the voucher.

Senate
printing.

Seven—No printing for the senate, or any committee of the same, shall be executed except upon an official order of the secretary, and no order for any printing shall be made by that officer unless the same is ordered by a majority vote of the senate. All printing done for the senate shall be delivered to the sergeant-at-arms of that body, whose duty it shall be to distribute one third of the copies of any document printed to the members of the senate, and two thirds to the sergeant-at-arms of the assembly, who shall receipt therefor, for distribution to the members thereof. There shall be printed two hundred and forty copies of all bills, resolutions, and reports ordered printed by the senate.

Assembly
printing.

Eight—No printing for the assembly, or any committee of the same, shall be executed except upon an official order of the chief clerk, and no order for any printing shall be made by that officer unless the same is ordered by a majority vote of the assembly. All printing done for the assembly shall be delivered to the sergeant-at-arms of that body, whose duty it shall be to distribute two thirds of the copies of any document printed to the members of the assembly, and one third to the sergeant-at-arms of the senate, who shall receipt therefor, for distribution to the members thereof. There shall be printed two hundred and forty copies of all bills, resolutions, and reports ordered printed by the assembly.

Receipts.

Nine—The receipts of the respective sergeant-at-arms of the senate and assembly shall be a sufficient voucher to the superintendent of state printing for all work done for either house.

Bill-filing
room.

Ten—To maintain a bill-filing room for the senate and assembly, to file all bills, resolutions, journals and such other papers as may be ordered by either the senate or assembly, to place all such bills, resolutions, journals and other papers in proper

binders for the use of the members of the legislature, and to perform such other duties in connection with the filing and distribution of such bills, resolutions, journals and other papers as may be required by law, or the rules or special orders of either house of the legislature.

CHAPTER 614.

An act to amend section 2 of an act entitled "An act to provide for maintenance of county highways improved under bond issues in the counties of the state and empowering the boards of supervisors to levy taxes therefor," approved May 1, 1911.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 2 of an act entitled "An act to provide for maintenance of county highways improved under bonds issued in the counties of the state and empowering the boards of supervisors to levy taxes therefor," approved May 1, 1911, is hereby amended to read as follows:

Section 2. The board of supervisors must annually, for each fiscal year, levy tax not to exceed \$.07 on each \$100.00 of value of taxable property of the county for each 100 miles of improved county highways under a bond issue therefor. This tax shall be collectible by the several officers charged with the collection of other county taxes in the same manner, and at the same time as other county taxes are collectible on all property; and the collection must be paid into the county treasury, and by the county treasurer, converted into a separate fund hereby created and known as the county highway maintenance fund. The money derived from such tax must be applied solely to the maintenance of county highways improved under a bond issue to cover the whole county.

County
highway
mainte-
nance
fund.

CHAPTER 615.

An act providing for the investigation by the state veterinarian, the secretary of the state board of health and the state commissioner of horticulture of injury to animal life and vegetation in California, caused by smelter wastes, and making an appropriation therefor.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. The state veterinarian, the secretary of the state board of health and the state commissioner of horticulture, said officers now existing under the laws of this state, are hereby directed and empowered to cause to be prosecuted with all possible diligence an investigation of the

Investiga-
tion of
damage
caused by
smelters.

injury, as well as the extent thereof, to animal life and vegetation in the State of California caused by smelter wastes that emanate from establishments or smelting plants where metal is extracted from ores.

Report.

SEC. 2. The said state veterinarian, the secretary of the state board of health and the state commissioner of horticulture shall, upon completion of such investigation, make a report in writing to the governor of the State of California giving in full all the facts and circumstances ascertained in such investigation, and if as a result of such investigation it shall be ascertained that the wastes from any such establishment or smelting plant are causing serious injury to animal life or vegetation, it shall be the duty of the governor to notify the attorney general of this state of the facts and circumstances therewith, and thereafter it shall be the duty of the said attorney general to bring an action in the name of the people of the State of California against the person or persons, company or corporation owning or in control of such establishment or smelting plant to discontinue the discharge of wastes that are harmful to animal life or vegetation.

Appropriation.

SEC. 3. The sum of five thousand (\$5,000) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended by the said state veterinarian, the secretary of the state board of health and state commissioner of horticulture in carrying out the purposes of this act and the state controller is hereby authorized and directed to draw his warrants from time to time to the full amount of this appropriation, in favor of the person or persons authorized by law to receive the same, and the state treasurer is hereby directed to pay the same.

CHAPTER 616.

An act to authorize the repayment to Isabelle Martin, as executrix of the last will of James B. Martin, deceased, of moneys paid by said deceased in his lifetime to the State of California for the purchase of certain indemnity or lieu land certificates, and which indemnity or lieu land certificates have been surrendered to the state, said moneys amounting to the sum of nineteen hundred and sixteen dollars, and for such purpose authorizing the state register to issue a certificate to said executrix for the amount so paid for said indemnity certificates and authorizing the state controller to draw his warrant on the state treasurer for said sum and authorizing the state treasurer to pay the same, said sum having heretofore been paid into the state school land fund.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Whereas heretofore, to wit: on the second day of May, 1910, James B. Martin did purchase from the State of California

certain certificates of indemnity or scrip for which he paid to the State of California the sum of nineteen hundred and sixteen dollars; and whereas on the 5th day of May, 1910, the said certificates were surrendered and returned to the surveyor general, and certain lands selected in lieu thereof; and whereas under the provisions of section 3498, the surveyor general of the State of California, did mail to said Martin notice of hearing for the purpose of approving or rejecting said application; and whereas said Martin at said time was, by reason of sickness, confined to his bed and unable to attend and the said surveyor general by reason of said non-attendance did disapprove said application and cancel the same; and whereas the said moneys have heretofore been paid into the state school land fund; and whereas the said James B. Martin died on the 30th day of May, 1911, and Isabelle Martin has been appointed and is now the executrix of his last will and testament, and said moneys so paid by him are still retained in the school land fund but that no sale of any school or other lands have been made to said Martin, and no provision of law exists for the return of said moneys to said Martin, or his representatives.

Refund of money paid James B. Martin for lieu land certificates

SECTION 1. The state register of the state land office is hereby authorized and directed to issue unto Isabelle Martin, as executrix of the last will of James B. Martin, deceased, a certificate showing the payment by said Martin of the sum of nineteen hundred and sixteen dollars to the State of California for the purchase of indemnity certificates or scrip, and likewise showing the class of land upon which said payment was made, and the fund into which the same was deposited. Before the issuance of said certificate, the said state register shall see that said certificates of indemnity or scrip are properly returned and canceled. Upon the presentation of said certificate to the state controller, the said state controller is authorized and directed to draw his warrant in favor of said Isabelle Martin, as such executrix for the amount herein specified, upon the treasurer of the state, who is hereby authorized and directed to pay the same out of the funds into which the said money was paid.

CHAPTER 617.

An act to amend the Political Code by amending sections 2293, 2295, 2295a and 2300, and by repealing section 2303 thereof.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 2293 of the Political Code is hereby amended to read as follows:

2293. The powers and duties of the board are as follows:

1. To make rules and regulations, not inconsistent with law, for its government and for the government of the library;

Powers
and duties
of state
library
trustees.

2. To appoint a librarian, who may appoint an assistant state librarian; said assistant shall be a civil executive officer;
3. To authorize the librarian to appoint such other assistants as may be necessary;
4. To sell or exchange duplicate copies of books;
5. To keep in order and repair the books and property in the library;
6. To draw from the state treasury at any time, all moneys therein belonging to the library fund;
7. To prescribe rules and regulations permitting persons other than those named in section twenty-two hundred and ninety-six, to have the use of books from the library;
8. To collect and preserve statistics and other information pertaining to libraries, which shall be available to other public libraries within the state applying for the same;
9. To make to the governor, biennially, a report of its transactions;
10. To establish, in their discretion, deposit stations in various parts of the state, under the control of an officer or employee of the state library; *provided*, that no book shall be kept permanently away from the main library, which may be required for official use.

SEC. 2. Section 2295 of the Political Code is hereby amended to read as follows:

Duties of
state
librarian.

2295. It is the duty of the librarian:

1. To be in attendance at the library during office hours.
2. To act as secretary of the board of trustees, and keep a record of their proceedings.
3. To purchase books, maps, engravings, paintings, and furniture for the library.
4. To number and stamp all books and maps belonging to the library, and to keep a catalogue thereof.
5. To have bound all books and papers that require binding.
6. To keep a register of all books and property added to the library, and of the cost thereof.
7. To keep a register of all books taken from the library.
8. To index the statutes of each session of the legislature and to furnish the marginal notes therefor; to index the journals and resolutions of the senate and assembly.
9. To revise and bring up to date the "Index to the laws of California," whenever provision for printing and binding the volume may be made.
10. To compile such volumes and pamphlets of laws or other matter as may be required by any state officer or department in the exercise of his or its official duties, or as may be required for the general information of the people of the state. Before any work of compiling or printing any such publication may be undertaken by the state librarian the facts in each case must be presented to the state board of control for its approval. It shall be the duty of the officer or department requiring such compilation to furnish the state librarian with such data and information as he may require. The cost of printing a publi-

cation requested by an officer or department shall be paid for out of the printing fund of such officer or department. The cost of printing a publication for the general information of the people of the state shall be paid for out of the fund appropriated for that purpose.

SEC. 3. Section 2295a of the Political Code is hereby amended to read as follows:

2295a. It shall be the duty of the superintendent of state printing to furnish to the state library, as soon as issued, two hundred and fifty copies of all reports and other publications of state officers, commissions and departments. Twenty-five of the documents so furnished shall be bound copies. Of the publications issued from day to day during the sessions of the legislature, there shall be furnished to the state library as many as may be required by the librarian. The state librarian shall, in his discretion, distribute publications so received to the public libraries, and other educational, scientific, literary or art institutions of this state, which may apply to be put on the mailing list for all or a portion of the state publications; and to such libraries and other institutions outside this state with which the state librarian may have established exchange relations. In the discretion of the state librarian, remaining copies of state publications, except those publications required by law to be sold, may be distributed to any person applying therefor.

Publications furnished state library.

SEC. 4. Section 2300 of the Political Code is hereby amended to read as follows:

2300. The moneys appropriated by the legislature for the maintenance of the state library shall constitute the state library fund.

Fund.

SEC. 5. Section 2303 of the Political Code is hereby repealed.

Repealed.

CHAPTER 618.

An act making an appropriation to pay for services rendered the State of California by C. William White in the prosecution of criminals in the county of Trinity, State of California.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of five hundred dollars (\$500) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay for certain services rendered by C. William White, of Weaverville, county of Trinity, State of California, as special prosecutor representing the State of California in prosecuting criminals in the aforesaid county.

Appropriation. C William White, prosecution of criminals.

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum herein made payable, and the state treasurer is hereby directed to pay the same.

CHAPTER 619.

An act to make an appropriation for changing the state road known as Emigrant Gap so as to eliminate the grade crossing over the railroad track near Summit station.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Appropriation, elimination of grade crossing, Emigrant Gap road.

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of four thousand dollars for making a change in the location of the Emigrant Gap state road so as to eliminate the grade crossing of said road over the railroad track near Summit station; *provided*, that the Southern Pacific company shall contribute not less than three thousand five hundred dollars for the same purpose.

SEC. 2. The state controller is hereby directed to draw his warrants in such sums and at such times as claims therefor, approved by the board of control, may be presented by the department of engineering, and the state treasurer is hereby directed to pay the same.

CHAPTER 620.

An act appropriating money to pay the claim of Jerome B. Graham against the State of California.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Appropriation: claim, Jerome B. Graham.

SECTION 1. The sum of one hundred eighty-two dollars and eighty-three cents, is hereby appropriated out of any other money in the state treasury not otherwise appropriated, to pay the claim of Jerome B. Graham against the State of California, and the state controller is hereby directed to draw his warrant in favor of Jerome B. Graham, for said sum of one hundred eighty-two dollars and eighty-three cents and the state treasurer is hereby directed to pay the same.

CHAPTER 621.

An act appropriating money to pay the claim of J. W. Galloway against the State of California.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Appropriation: claim, J. W. Galloway.

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of J. W. Galloway against the State of California, and the state controller is hereby

directed to draw his warrant in favor of J. W. Galloway for said sum of one thousand dollars and the state treasurer is hereby directed to pay the same.

CHAPTER 622.

An act appropriating money to pay the claim of Bert Blanchard against the State of California.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Bert Blanchard against the State of California, and the state controller is hereby directed to draw his warrant in favor of Bert Blanchard for said sum of five thousand dollars and the state treasurer is hereby directed to pay the same.

Appropriation:
claim, Bert
Blanchard.

CHAPTER 623.

An act making an appropriation to pay the claim of Mrs. M. Foley against the State of California.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of five hundred dollars is hereby appropriated out of the money in the state treasury, not otherwise appropriated to pay the claim of Mrs. M. Foley against the State of California.

Appropriation:
claim, Mrs.
M. Foley.

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum herein made payable and the state treasurer is directed to pay the same.

CHAPTER 624.

An act appropriating money to pay the claim of Grace Elvira Raynaud against the State of California.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated, to pay the claim of Grace Elvira Raynaud against the State of California, and the state controller is hereby directed to draw his warrant in favor of Grace Elvira Raynaud for said sum of five thousand dollars and the state treasurer is hereby directed to pay the same.

Appropriation:
claim,
Grace
Elvira
Raynaud.

CHAPTER 625.

An act making an appropriation to pay the claim of L. B. Dutton Company against the State of California.

[Approved June 16, 1913 In effect August 10, 1913.]

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

Appropriation:
claim,
L. B. Dutton Company.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twelve thousand five hundred dollars (\$12,500.00) to pay the claim of L. B. Dutton Company, architects, against the State of California, for work done by said company in executing plans for the proposed California state reformatory.

CHAPTER 626.

An act appropriating money to pay the claim of Joseph Nelligan against the State of California.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Appropriation:
claim,
Joseph Nelligan.

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated, to pay the claim of Joseph Nelligan against the State of California, and the state controller is hereby directed to draw his warrant in favor of Joseph Nelligan for said sum of one thousand dollars and the state treasurer is hereby directed to pay the same.

CHAPTER 627.

An Act appropriating money to pay the claim of Frank P. Cady against the State of California.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Appropriation:
claim,
Frank P. Cady.

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any other money in the state treasury not otherwise appropriated, to pay the claim of Frank P. Cady against the State of California, and the state controller is hereby directed to draw his warrant in favor of Frank P. Cady for said sum of one thousand dollars and the state treasurer is hereby directed to pay the same.

CHAPTER 628.

An act authorizing the state treasurer, upon the approval of the governor and the board of control, to enter into agreements to pay commissions on the sale of certain bonds of the State of California, appropriating money for such purpose and providing for the transfer of money from the San Francisco harbor improvement fund to the general fund of the state treasury.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. The state treasurer, upon the approval of the governor and the board of control, is hereby authorized to enter into agreements to pay commissions for services rendered in the procuring of bids for all or any portion or portions of the state bonds issued under the provisions of an act entitled, "An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people;" approved March 20, 1909.

Commissions, sale of harbor bonds

No agreement shall be entered into by the state treasurer to pay a greater commission than ten per cent of the par value of the bonds sold, and no commission shall be paid for services rendered except to one who has procured and effected the sale and not until the money from the sale of such bonds has been paid into the state treasury.

Not greater than ten per cent.

SEC. 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of five hundred thousand dollars to be used for the purposes of this act; *provided*, that when any money herein appropriated is used to pay a commission on the sale of such bonds, a like amount of money shall be transferred from the San Francisco harbor improvement fund to the general fund of the state treasury within five years from the date of payment of said commission, and the state treasurer and state controller are hereby authorized and directed to complete such transfer in equal yearly installments, the first of such installments being payable one year from the date of payment of such commission and so on until all the installments are paid.

Appropriation.

SEC. 3. The board of state harbor commissioners are hereby authorized and directed by the collection of dockage, tolls, rents and crantage, to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California.

CHAPTER 629.

An act making an appropriation for furnishing, equipping and maintaining the exposition building at Los Angeles, California, and for establishing and maintaining a permanent exhibit therein of the products and resources of the different counties of the State of California.

[Approved June 16, 1913. In effect August 10, 1913.]

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

Appropriation: exhibition building and exhibit, Los Angeles.

SECTION 1. The sum of sixty thousand (\$60,000) dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the objects hereinafter specified, to wit: furnishing, equipping and maintaining the exposition building, located in Agricultural Park, otherwise known as Exposition Park, in the city of Los Angeles, California, and for the installation, equipment and maintenance of a permanent exhibit therein of the products and resources of the different counties of the State of California.

When available.

SEC. 2. Of the moneys hereby appropriated the sum of thirty thousand (\$30,000) dollars shall become available for the fiscal year beginning July 1st, 1913, and the sum of thirty thousand (\$30,000) dollars shall become available on and after July 1st, 1914.

SEC. 3. The state controller is hereby authorized and directed to draw his warrants in favor of the board of directors of the sixth district agricultural association for the amounts herein made payable, as provided herein, in such amounts and at such times as may be approved by the state board of control, and the state treasurer is hereby directed to pay the same.

CHAPTER 630.

An act to amend section 1195a of the Political Code of the State of California relating to the advertisement of amendments to the constitution and to the advertisement of questions, propositions and constitutional amendments to be submitted to a vote of the people, and providing for the designation as the same will appear on the ballots.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1195a of the Political Code of the State of California is hereby amended so as to read as follows:

Contents of pamphlet for advertising constitutional amendments, etc.

1195a. The sheet or pamphlet containing the proposed constitutional amendments provided for in section 1195 of this code, as well as any question, proposition or amendment to the constitution to be submitted to the people by either initiative or referendum petition, shall also contain the corresponding constitutional provisions as then in force, if any,

and the parts of the proposed amendment different from the existing provisions shall therein be distinguished in print, so as to facilitate comparison. Three copies of the constitution, in the form of pamphlets, to be supplied by the secretary of state, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the electors. All questions, propositions and constitutional amendments which are to be submitted to a vote of the electors shall be printed on said sheets or pamphlets, so far as possible, in the same manner and form in which the same shall be designated upon the ballot and shall be designated thereon by the ballot title or designation which may be provided therefor. Said ballot title shall be printed on the sheets and pamphlets herein referred to immediately prior to the particular question, proposition or constitutional amendment therein referred to. There shall also be printed on said sheets and pamphlets the copy of said ballot title or designation as the same will appear on the ballots when voted on in the order and with the proper number, which ballot title or designation shall be the method by which said questions, propositions and constitutional amendments shall be designated on the ballots.

CHAPTER 631.

An act to amend section 1197 of the Political Code of the State of California, relating to election ballots, and said section, as amended, also providing for the secretary of state determining the order of placing all questions, propositions, proposed laws and constitutional amendments on the ballot and providing for the preparation of the designation or ballot title by the attorney general and by a board of title commissioners, created by this act, if objection be made to the ballot title prepared by the attorney general, by which all such questions, propositions, proposed laws and constitutional amendments shall be designated on the ballot and providing the procedure therefor.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1197 of the Political Code is hereby amended to read as follows:

1197. 1. There shall be provided at each polling place, at each election at which public officers are voted for, but one form of ballot for all the candidates for public office, and every ballot shall contain the names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, as provided by law, together with the title of the office arranged to conform as nearly as practicable to the plan hereinafter set forth.

2. The order in which the list of officers shall appear on the

Order of
list of
officers.

ballot shall, as to state offices and district offices, when the district includes more than one county, be determined by the secretary of state, and shall as nearly as may be practicable, be the same for all counties. The order in which the list of county offices or district offices embracing one county or less, shall appear on the ballot, shall be determined by the county clerk.

Officers
voted for
through-
out state.

(a) If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter, for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged; *provided, however,* that the names of candidates for the office of electors for president and vice-president shall be arranged in groups as presented in the several certificates of nomination, and the secretary of state shall arrange such groups for the first assembly district in the alphabetical order of the names standing at the head of each of such groups as the first name therein; and, thereafter, for each succeeding assembly district, the group appearing first shall be placed last, the order of the groups remaining unchanged; but the order of the names within each of the several groups shall remain the same as presented in the several certificates of nomination and shall remain the same for all assembly districts. A blank column one half inch wide shall be left upon the ballot opposite each group of names of candidates for electors for president and vice-president, and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed in heavy-face type "A cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any group of names from any other group shall be heavier than any line separating the individual names in each group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy-face type the words "Top of group," and above the bottom line of the extension, the words "End of group." If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on, and thereafter for each succeeding

Presi-
dential
electors

Voting
space.

Officers
voted for
in more
than one
county.

assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

In certifying to each county clerk or registrar of voters the list of names as required in section 23 of the primary election law the secretary of state shall certify and transmit the list of candidates for each office according to assembly districts in the order of arrangement as determined by the above provisions; and in case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, the order in which the names so certified shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

Certifying
list to
county
clerks.

(b) If the office is an office to be voted on wholly within one county or city and county, except the office of representative in congress or state senator or assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order, which order shall be the order of names upon the ballots; *provided*, there is no more than one assembly district in such county, or city and county. If there is more than one assembly district in such county or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

Officers
voted for
in one
county.

(c) If the office is that of state senator or assemblyman, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

State
senator

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order. If the nomination of a candidate for any office shall be made by petition, filed within the time and manner provided by law, but subsequent to the determination of the order in which names of candidates shall appear on the ballot, the name of such candidate with the word "Independent" printed to the right thereof, shall be placed on the ballot next below the names of the other candidates for the same office; *provided, however*, that in the case of judicial officers and school officers the word "Independent" shall be omitted.

City
officers

Proposi-
tions.

Titles.

Title for
Initiative
ques-tions.Statement
of purpose
of meas-
ure.Objections
to title.

3. The order in which all questions and propositions (including proposed laws and constitutional amendments,) which are to be submitted to the vote of the electors, shall appear upon the ballot shall be determined by the secretary of state. The attorney general shall provide and return to the secretary of state a ballot title or designation by which all such questions, propositions, proposed laws and constitutional amendments shall be designated upon the ballot; *provided, however,* any person who is interested in any question, proposition, proposed law or constitutional amendment, the petition as to which is being circulated for the purpose of having the same submitted under an initiative petition, as provided in section one of article IV of the constitution, to a vote of the electors, or any proposed constitutional amendment to be submitted to a vote of the electors, may, at any time prior to one hundred and thirty days before the election at which such question, proposition, proposed law or constitutional amendment is to be submitted to a vote of the electors, file a copy of said question, proposition, proposed law or proposed constitutional amendment with the secretary of state, together with a request that a ballot title be prepared for the same; such request shall be accompanied with the address of the person or association of persons proposing such measure. The secretary of state shall forthwith transmit a copy of said question, proposition, proposed law or constitutional amendment to the attorney general. Within ten days after the same is filed with him, said attorney general shall provide and return to the secretary of state a ballot title for said measure. The ballot title may be distinguished from the legislative or other title of the measure and shall express in not exceeding one hundred words, the purpose of the measure. In making such ballot title, the attorney general shall give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be an argument or likely to create prejudice either for or against the measure. Immediately upon receipt of the ballot title as prepared by the attorney general, the secretary of state shall mail to any and all persons who may have requested the preparation of such ballot title, a notice addressed to such person or persons at the address accompanying such request, stating that the attorney general has made and returned such ballot title, which notice shall also contain a copy of the ballot title as prepared by the attorney general. Any person who is dissatisfied with the ballot title prepared by the attorney general for any such question, proposition, proposed law or constitutional amendment may, after the same has been returned to the secretary of state as hereinbefore provided, and within ten days after said notice shall have been mailed by the secretary of state, as above provided, file in writing with the secretary of state his objections, who shall forthwith file a copy of such question, proposition, proposed law or constitutional amendment, together with the title thereof as so prepared by the attorney general and the said objections

thereto, with the board of title commissioners, which board shall consist of the three justices of the district court of appeal of the State of California, in and for the third appellate district, who shall be ex officio title commissioners for the purposes of this act and which board is hereby created; said board shall fix a time at which any person may be heard either for or against the objection so made and shall notify all persons of the time so set and thereupon said board of title commissioners shall proceed to consider the said title prepared by the attorney general and the objections filed thereto, and shall prepare a title by which such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot. Said title commissioners shall certify the said designation to the secretary of state within ten days after said written objections have been received by them. The determination by the said board of title commissioners shall be final and conclusive. Such questions, propositions, proposed law and constitutional amendments shall be designated on the ballot by the said ballot title certified to the secretary of state by the said attorney general, or in case a different title has been prepared, certified and filed by the said board of title commissioners; then such title shall be the title and designation by which any such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot.

Board of
title com-
missioners.

Determina-
tion final.

4. All ballots shall be not to exceed twenty-four inches in length, and shall be four inches in width and as many times such width as may be necessary to contain the names of all candidates nominated, with proper blank spaces to allow the voter to write in names not printed on the ballot, and also a separate column or columns of sufficient width for statements of all questions, propositions or constitutional amendments submitted to vote of the electors. Each group of candidates to be voted on shall be headed by the designation of the office and the words "Vote for One" or "Vote for Two" or more, according to the number to be selected to such office; such designation of the office and of the number of candidates to be voted for shall be printed in heavy-faced gothic type not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "Vote for One" or "Vote for Two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line. The names of the candidates for such office shall be printed in eight-point, roman type (capitals) in proper order below the designation of the office, and in the same line in which the name of the candidate is printed and at the right of the name, or immediately below the name if there shall not be sufficient space to the right thereof, shall be printed in eight-point roman type (lower case) the designation of the political party or parties by or on behalf of which such candidate has been nominated; *provided*, that when a

Size of
ballot, etc.

candidate has been nominated by petition, the word "independent" shall be printed to the right of his name; *and provided, also*, that as to candidates for judicial offices and school offices the designation of the political party or parties, or the word "Independent," if there be an independent candidate, shall be omitted. The name of the candidate, and the designation of the political party or parties by which he has been nominated shall be printed in a space one half inch in depth, and shall be defined by light horizontal ruled lines, with a blank space on the right thereof one half inch square, which blank space (called the voting square) shall be made use of by the voter to designate, by stamping a cross (X) therein and after the name of the candidate, his choice of particular candidates.

Names not
to be
separated

5. The names of the candidates for an office shall not be separated from each other on the ballot by names of candidates for any other office, and the list of candidates for each office shall be separated from the list of candidates for other offices by a double rule above and below such list. Each series of the lists of candidates for the several offices shall be headed by the word "state," "congressional," "legislative," "county," or "municipal" or other proper general classification, as the case may be, printed in heavy-faced gothic capital type, not smaller than twelve point, each such word being separated from the names of the candidates beneath by a three-point line.

Borders,
perfora-
tions, etc.

6. The left-hand side of each column of names on the ballot and also the right-hand side of each column of voting squares, shall be bordered by a broad printed line one twelfth of an inch wide, and the edge of the ballot on the left-hand side thereof shall be trimmed off up to the first border or solid line on the left-hand side of the ballot, and on the right-hand side of the ballot shall be perforated along the border or solid line above described. The ballot shall be so printed as to give each voter a clear opportunity to designate by stamping a cross (X) in a blank enclosed space hereinbefore designated as the voting square, on the right of and after the name of each candidate whose name is printed on the ballot, his choice of particular candidates, or his choice of each and all of a group of candidates as provided in subdivision 2 of this section. The ballot shall be printed on the same leaf with a stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom, along the border or solid line hereinbefore described, one half inch from the right-hand side of the ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot, which shall be upon the back of such strip in such position that it will appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots printed by county clerks or registrars of voters other than the separate ballots containing the names

Number

only of candidates for city and county offices, printed by the county clerks or registrars of voters of consolidated cities and counties, shall have printed on the back, below the stub and immediately at the left of the center of the ballot, in eighteenth gothic capitals, the words "General Ticket," and underneath the respective number of congressional, senatorial and assembly districts in which each ballot is to be voted; and all ballots printed by county clerks or registrars of voters of consolidated cities and counties containing the names of candidates for city and county offices, and also all ballots printed by the clerks, registrars of voters or secretary of a legislative body or any incorporated city or town, shall have printed in the same manner, on the back, the words "Municipal Ticket." All municipal ballots shall be printed upon paper of a different tint from that of the general ballot.

"General ticket"

"Municipal ticket"

7. All of the ballots of the same sort prepared by any county clerk or registrar of voters, or clerk or secretary of a legislative body, or other person having charge of the preparing of such ballots, for the same polling place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that without the numbers on the stubs it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort; and the names of all candidates printed upon the ballot shall be in type of the same size and character.

Ballots of same size, print, etc

8. If two or more officers are to be elected for the same office for different terms, the term for which each candidate for such office is nominated shall be printed on the ballot as a part of the title of the office. If at a general election an office is to be filled for a full term, and also for a vacancy in another term, the list of candidates for the full term shall be placed on the ballot under the designation of the office with the words "full term" printed immediately thereafter, and the list of candidates to fill the vacancy shall be placed on the ballot under the designation of the office with the words "short term" printed immediately thereafter.

Two officers for different terms

9. Whenever any question, proposition or constitutional amendment is to be submitted to the vote of the electors, there shall be printed at the right of the last column of names of candidates, another column of sufficient width, with voting squares in which such question, proposition or constitutional amendment shall be designated, which designation shall consist of a statement prepared as hereinbefore provided for and opposite such question, proposition or constitutional amendment to be voted on, in separate lines, the words "Yes" and "No" shall be printed. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the question, proposition or constitutional amendment; if he shall stamp a cross (X) after the printed word "No," his vote shall be counted against the adoption of the same.

Propositions column.

Instruc-
tions to
voters.

10. On the top of the face of the ballot, the following directions shall be printed:

INSTRUCTIONS TO VOTERS:

To vote for a candidate of your selection, stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the name of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. If the ballot does not contain the names of candidates for all offices for which you may desire to vote, you may vote for candidates for such offices so omitted by writing the name of the candidate for whom you wish to vote in the blank space left for that purpose. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose. To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another. In elections when electors of president and vice-president of the United States are to be chosen, there shall be placed upon the ballot in addition to the instructions to voters as above provided, an additional instruction as follows: To vote for all or a group of persons, stamp a cross (X) in the square opposite such group, this instruction appearing immediately before the words: "To vote for a person not on the ballot."

FORM.

11. Except as to the order of the names of candidates, the ballots shall be printed substantially in the following form:

[Face of ballot on insert.]

CHAPTER 632.

An act to amend the Political Code by adding one new section thereto, relating to the completion and correction of election returns; said section to be numbered 1281a.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered 1281a as follows:

Correction
of election
returns.

1281a. If it shall appear that the returns from any precinct or precincts are incomplete, or ambiguous, or are not properly authenticated, or are otherwise defective, the board of supervisors, or canvassing board, or election commission may cause subpoenas to be issued and served, requiring the attendance before it of the election officers of such precinct or precincts,

STATE OF CALIFORNIA, }
COUNTY OF (Insert County or City and County). } ss.

AFFIDAVIT OF REGISTRATION.

The undersigned affiant, being duly sworn, says: I am or will be a citizen of the United States at least ninety days prior to the next succeeding election, and will be at least twenty-one years of age at the time of said next succeeding election.

- 1 My full name is
(Including christian or given name, and middle name or initial, if any, said christian or given name, if the name of a woman, to be preceded by the designation of Miss or Mrs., as the case may be.)
- 2 Sex and Occupation
- 3 My height is feet, inches.
- 4 My country or state of nativity is
- 5 My place of residence is Precinct Street
- 6 between Streets, Floor, Room
- 7 I am the proprietor or head of the house, or the wife or husband of such proprietor.
- 8 My post office address is
- 9 I intend to affiliate at the ensuing primary election with the Party.
- 10 { Naturalized } Date Place { City or } State of
by court. } Such certificate of naturalization was issued ninety days prior to the next succeeding election.
- 11 Said certificate of naturalization is lost or out of my possession. It has not been revoked.
- 12 { Naturalized } I became a citizen by virtue of the naturalization of my father, which took place during my
by father's } minority, and I began to reside permanently in the United States while such minor child.
naturalization. }
- 13 { Naturalized } I became a citizen by virtue of my marriage to a citizen of the United States, or a person who
by marriage. } became a citizen of the United States by naturalization, and my citizenship has not been lost.
Date of said marriage Name of husband
- 14 I am not registered in any other county in this state.
- 15 I am able to read the constitution in the English language.
- 16 I am able to write my name.
- 17 I was more than sixty years of age November 6, 1894. (To be answered in case either 15 or 16 is answered negatively.)
- 18 I can mark my ballot, by reason of physical disability, viz.,
(If first blank is filled out by word "not," state nature of disability in second blank.)
- 19 { I have resided in the United States five years next preceding the time of application and will have resided in this
state one year, and in said county ninety days, and in said precinct thirty days next preceding the next ensuing
election, and will be an elector of said county at the next succeeding election.

Subscribed and sworn to before me this }
..... day of 191 }
..... (Applicant sign here)
....., County Clerk (or Registrar of Voters).
....., Deputy Clerk (or Deputy Registrar of Voters).

and upon the appearance before it of the election officers or three fourths of them from any such precinct or precincts, may examine such election officers under oath concerning the manner in which the votes were counted in such precinct at such election, and the result of such count, and may require such election officers then and there to correct or complete such returns or the authentication thereof so that they shall truly show the votes that were cast in said precinct at such election for each candidate voted for and for or against each proposition voted upon thereat. Nothing herein shall be construed to authorize the opening of ballots except as provided by law.

CHAPTER 633.

An act appropriating the sum of \$5,000 for the erection of a monument to commemorate the raising of the bear flag in the city of Sonoma.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. The sum of \$5,000 is hereby appropriated out of any funds in the state treasury not otherwise appropriated for the purpose of erecting a monument to commemorate the raising the bear flag on the spot where the flag was raised in the city of Sonoma, said sum to be expended by the bear flag monument committee of Sonoma Parlor No. 111, Native Sons of the Golden West, under the supervision of the landmarks committee of the grand parlor, Native Sons of the Golden West, the state engineering department and state board of control.

Appropriation: bear flag monument.

CHAPTER 634.

An act to amend section 1142 of the Political Code of the State of California relating to the appointment of election boards.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1142 of the Political Code of the State of California is hereby amended to read as follows:

1142. When an election is ordered, the board of supervisors, or other board having charge and control of elections in each of the counties, and cities and counties, of the state must appoint officers of election board from the registered electors of each precinct to serve as election officers only in the election precinct in which they are registered and actually reside to constitute the election board for such precinct, which shall consist of two inspectors, two judges, two clerks; *provided*, that in any precinct which has a total registration

Appointment of election boards.

Apportioned to parties.

of less than seventy-five voters, the election board may, in the discretion of the board of supervisors or other board having charge and control of elections in such precinct, consist of one inspector, one judge, and two clerks. The inspectors, judges and clerks so appointed shall constitute a board of election for such precinct. At all primary and general elections the members of election boards shall be apportioned first to each or any party having fifteen per cent or over of the registration designated in its name on the great register of the county, one member of the board for every such fifteen per cent of registration; *provided*, that if it should happen that there is, after giving one member for each fifteen per cent and multiple thereof, one more member to be appointed, such member shall be appointed from the party next highest on the great register not represented on the board. If two remain to be appointed, the second one shall be appointed from the party having the highest fraction of fifteen not already represented on the board. If there should be only two parties represented on the great register and there is another member of the board to be appointed after the fifteen per cent and multiples are represented, such member shall be appointed from the party having the highest fraction of fifteen per cent. The inspectors, judges and clerks upon each board of election shall distribute the extra duties devolving upon such board of election, in addition to their own duties, in such a manner as they themselves shall deem most advantageous, and such extra duties assigned to the several officers or clerks of boards of election by other sections of this code shall be performed by the members of each board as the said duties have been distributed in accordance with this provision. Not more than two members of any board of election shall be absent from the polling place at any one time. And such board of supervisors or other board having charge of elections must notify each person appointed as a member of an election board, by written notice mailed to such person at the address shown on the affidavit of registration, at least seven days before the election, and must publish the names of such electors who constitute the board of elections for such election precinct, in some newspaper published in the county or city and county where the election is to be held for two successive issues, the last publication to be at least one week before the day such election is to be held. Such board of election shall canvass the votes for such precinct, and must be present at the closing of the polls. The members of said board shall relieve each other in the duties of canvassing the ballots, which may be conducted by at least half of the whole number; but the final certificate shall be signed by a majority of the whole. No person shall be eligible to act as an officer of election at any precinct who has been employed in any capacity by the county, city and county, incorporated city or town in which an election is held, within ninety days preceding such election. No person shall be eligible to act as a member of any election board, or as a clerk upon such board, who cannot read and write the Eng-

Absence from polling place.

Persons not eligible.

lish language. Any person acting as a member of any election board, or as a clerk upon such board, who cannot read and write the English language, and any person who refuses to act upon such board, or as a clerk thereof, after proper notification of his appointment, who is otherwise eligible, unless good and sufficient cause for such refusal is shown to the election board or to the board of supervisors, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of five hundred dollars, and upon failure to pay said fine shall be imprisoned in the county jail of such county, or city and county, for the period of one day for each dollar of said fine. Penalty.

CHAPTER 635.

An act to amend section 1195 of the Political Code relating to the preparation, printing and distribution of statements concerning proposed constitutional amendments, and to the printing and distribution of such constitutional amendments.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1195 of the Political Code of the State of California is hereby amended to read as follows:

1195. Whenever the legislature shall propose any amendment to the constitution of this state, which amendment shall have been passed in the manner required by section one of article eighteen of the constitution, the author of such amendment and one member of the same house who voted with the majority on the submission of such amendment and one member of the same house as the author who voted with the minority against the submission of such amendment, both of whom shall be selected by the presiding officer of such house, before the adjournment of the legislature and they shall within one year after the adjournment of the legislature prepare a brief statement showing the purpose of said amendment, and a comparative statement of the operation of the present section or article of the constitution, and the reasons advanced by the majority for its adoption, and the reason advanced by the minority against its adoption, and any other reason why such amendment should be adopted, or be not adopted, and forward such article to the secretary of state, and the secretary of state shall cause to be printed at the state printing office, in convenient form, one and one half times as many copies of such statement as there are registered voters in this state, and in case the legislature shall submit any proposition to a vote by the qualified electors of the state, the secretary of state shall duly, and not less than twenty-five days before the election next ensuing, certify such amendment and proposition to the county clerk of each county of the state and shall cause to be printed

Statements concerning proposed constitutional amendments.

at the state printing office one and one half times as many copies of said amendment and proposition as there are registered voters in the state, and at least thirty days before any election at which said proposition and amendment is to be voted on the secretary of state shall furnish each county clerk in the state with one and one half times as many copies of said amendment, proposition and statement as there are registered voters in his county. The clerk of each county shall thereafter cause to be mailed to each voter a copy of such amendment or proposition and of said statement, at the same time, in the same manner and in the same envelope provided for in section one thousand two hundred and ten of this code, and no other publication of said amendment or proposition shall be necessary or authorized.

CHAPTER 636.

An act to amend sections 1188 and 1192 of the Political Code of the State of California relating to the nomination of candidates otherwise than by primary election, and to the filing of certificates of such nomination.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1188 of the Political Code of the State of California is hereby amended so as to read as follows:

1188. A candidate for any public office for which no non-partisan candidate has been nominated at any primary election may be nominated subsequent to said primary election, or in lieu of any primary election, in the manner following: a nomination paper containing the name of the candidate to be nominated, with other information required to be given in the nomination papers provided for in the direct primary law enacted at the fortieth session of the legislature of the State of California, shall be signed by electors residing within the district or political subdivision for which the candidate is to be presented, equal in number to at least one per cent of the entire vote cast at the last preceding general election in the state, district or political subdivision for which the nomination is to be made, subject to the restrictions contained in said direct primary law. For the purposes of this section the provisions of said direct primary law, as said sections apply to the nominees for judicial, school, county, and township officers, shall substantially govern as to the manner of the appointment of verification deputies, the form of nomination papers and the securing of signatures thereto, the fastening together of sections of the nomination papers containing such signatures, and the filing thereof with the county clerk, or the certification thereto by the county clerk and transmission thereof to the secretary of state, as the case may be, the payment of a filing fee, and all other things necessary to get the

Nomination of candidates otherwise than by primary

Law that governs.

name of a candidate under this section upon the ballot, except that such provisions shall be directed toward getting the candidate's name on the ballot for a general or municipal election, and not on the ballot for nomination at a primary election. In addition to the other matter required to be set forth on the candidate's nomination paper, it must also be set forth that each signer thereof has not voted at any primary election at which a candidate was nominated for the public office mentioned in the said certificate.

Signers.

Upon the filing of a sufficient nomination paper by any candidate nominated under the provisions of this section and the payment of the filing fees as hereinbefore provided, the name of such candidate shall go upon the ballot at the ensuing general or municipal election according to the provisions of subdivision 2 of section 1197 of this code for the placing upon the ballot of names of candidates nominated "by petition."

Name on ballot.

Sec. 2. Section 1192 of the Political Code of the State of California is hereby amended so as to read as follows:

1192. Certificates of nomination required to be filed with the secretary of state, or with the county clerk, shall be filed not more than sixty days and not less than thirty-five days before the day of election, when the nomination is made by electors as provided in section 1188 of this code. Certificates of nomination required to be filed with the clerk or secretary of the legislative body of any city or town, shall be filed not more than fifty days nor less than twenty days before the day of election, when the nomination is made by electors as provided in section 1188 of this code.

Filing of nomination certificates.

CHAPTER 637.

An act to amend section 1204 of the Political Code of the State of California relating to the manner of voting.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1204 of the Political Code of the State of California is hereby amended to read as follows:

1204. Any person desiring to vote shall write his or her name and address (or if he or she be unable to write, shall have the same written for him or her) on a roster of voters provided for that purpose and announce the same to one of the election officers, who shall then in an audible tone of voice announce the same, and if another election officer finds the name on the register, he shall in a like manner repeat the name and address, whereupon a challenge may be interposed as provided in section 1230 of this code. In case the surname of any female person offering to vote has been changed by reason of marriage or divorce since registration such person shall sign her name as it was before such marriage or divorce

Manner of voting.

Name changed by marriage.

Comparison of signatures.

and also her name as it is at the time she votes, indicating on the roster by brackets or other means, that the two names are the names of one person. In all cases except in those where the name and address of the voter is written on the roster of voters for him, as above provided, it shall be the duty of the election officer, in the presence and view of the bystanders, to compare the signature of the voter on the roster of voters with the signature of that person on the register and no ticket shall be given such voter until such comparison of signatures shall have been made, and until such a comparison has been made, as aforesaid, the right of a voter to vote may be challenged. If the challenge be overruled, the election officer shall give the voter a ticket and the clerk shall write on the register opposite the name of the voter the number of the general ticket given him and also the number of the municipal ticket given him when any city, city and county or town officer is to be elected and the voter shall be allowed to enter the place enclosed by the guard rail as above provided. The election officer shall give him but one general ticket and where any city, city and county or town officers are to be elected also one municipal ticket and only one ballot of each kind and in order to prevent voters from marking their ballots with a pencil, or otherwise contrary to law, it shall be the duty of the election officer whenever he shall deliver a ballot to any voter to then orally distinctly state to him, so that it may be heard by the bystanders, that he must mark the ballot with the stamp provided by law or it will not be counted.

CHAPTER 638.

An act to amend section twelve hundred and ten of the Political Code, relating to sample ballots and instruction cards.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section twelve hundred and ten of the Political Code is hereby amended to read as follows:

Printing and mailing of sample ballots to voters.

1210. The county clerk of each county, or, in case of separate city or town elections, the clerk or secretary of the legislative body of such city or town, shall cause to be printed, on plain white paper, without watermark, at least as many copies of the form of ballots provided for use in each voting precinct as there shall be registered voters in such precinct. Such copy shall be designated "sample ballot" upon the face thereof. Said clerk or secretary shall commence to mail the same, postage prepaid, to registered voters ten days before the day fixed by law for such election, and shall have all of the same mailed at least five whole days before the day of election; *provided*, that not more than one sample ballot shall be fur-

nished to any one voter; and, further provided, that for any general election the number of sample ballots printed shall not exceed the total registration by more than fifteen per cent of such registration, and that for any primary election the number of sample ballots printed for any party shall not exceed the total registration of such party by over twenty per cent of such registration. Such clerk or secretary shall also enclose with each of said ballots the voting number of such elector and the location of his precinct polling place. Only official matter shall be sent out in such envelope. Such clerk or secretary shall cause to be printed in large, clear type, on cards, instructions for the guidance of electors in obtaining and marking their ballots, and he shall furnish twelve such cards to the board of election in each election precinct in his county, at the same time and in the same manner as the printed ballots and sample ballots. The board of election shall post at least one of such cards in each booth or compartment provided for the preparation of ballots, and not less than three of such cards at other places in and about the polling place, on the day of election. Sections twelve hundred and fourteen and twelve hundred and fifteen of this code, and section sixty-one of the Penal Code, shall also be printed on each of said cards.

Number
and voting
place.

Instruc-
tion cards.

CHAPTER 639.

An act to amend section eleven hundred and fifteen of the Political Code, relating to affidavits of registration.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section eleven hundred and fifteen of the Political Code is hereby amended to read as follows:

1115. Within five days after the binding of said books the clerk shall prepare an index of each book, said index to contain the numbers, names, occupations, addresses, and political affiliations as they appear in said books. Such names shall include Christian or given names, the middle name or initial, if any; and, if the name be that of a woman, such name shall be preceded by the designation of "Miss" or "Mrs.," as the case may be. The clerk shall have at least one hundred copies of said index printed for the use of said county, and he shall have printed and shall furnish to the municipalities within said county, such additional number of copies thereof, not exceeding fifty, as the governing body of such municipalities shall by resolution require. The county clerk shall furnish upon written or oral demand to every candidate, who is to be voted for in said county, city, or city and county or any political subdivision of said county, city, or city and county, an index of the registration, for such primary and general elections in which said candidate will participate, at a cost of ten

Index to
regist ers.

Copies for
candidates.

General
index.

cents per thousand names. All such moneys collected shall be deposited in the county treasury, to the credit of the general fund. The number of copies of said index necessary to be printed shall apply only to the index prepared for use at general elections. In counties where indexes are prepared for primary elections, a smaller number of such indexes may be printed. The clerk shall have bound together in one or more volumes, a general index of said books arranged alphabetically by precinct, and shall keep at least one copy of said general index in his office for public reference.

CHAPTER 640.

An act to amend section 1258 of the Political Code, relating to tally of votes.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1258 of the Political Code is hereby amended to read as follows:

Tally
of votes.

1258. Each clerk must write down each office to be filled, and the name of each person marked in each ballot as voted for to fill such office, and keep the number of votes by tallies, as they are read aloud. Such tallies must be made with pen and ink as the name of each candidate voted for is read aloud from the respective ballot, and immediately upon the completion of the tallies the clerks who respectively complete the same must draw two heavy lines in ink from the last tally mark to the end of the line in which such tallies terminate, and also write the initials of the person making the last tally in such line. The ballot so read and the tally sheet so kept must, during the reading and tallying, be within the clear view of watchers at the count.

CHAPTER 641.

An act to amend section 1215 of the Political Code of the State of California, relating to the electioneering and secrecy of the ballot.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 1215 of the Political Code of the State of California is hereby amended to read as follows:

Election-
eering, etc.

1215. No officer of election shall disclose to any person the name of any candidate for whom any elector has voted. No officer of election, nor any person, shall do any electioneering on election day within one hundred feet of any polling place. Unless otherwise provided by law no person shall remove any

ballot from any polling place before the closing of the poll. Unless otherwise provided by law no person shall apply for or receive any ballot at any election precinct other than that in which he is entitled to vote. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name or names of the candidate or candidates for whom he has marked his ballot; nor shall any person, except a member of the board of election, receive from any voter a ballot prepared by such voter, or examine such ballot, or solicit the voter to show the same. No person shall ask another at a polling place for whom he intends to vote. Unless otherwise provided by law no voter shall receive a ballot from any other person than one of the election officers; nor shall any other person than an election officer, or other officer authorized by law so to do, deliver a ballot to such voter. No voter shall deliver to the board of election, or to any member thereof, any ballot other than the one he has received from the election officer or other officer duly authorized by law to furnish him with such ballot. No voter shall place any mark upon his ballot by which it may be afterwards identified as the one voted by him. No person shall solicit a vote or speak to a voter on the subject of marking his ticket within one hundred feet of the polling place.

Not to show ballot.

No distinguishing marks.

CHAPTER 642.

An act to amend sections ten hundred and ninety-six and ten hundred and ninety-seven of the Political Code of the State of California, relating to elections and the registration of voters.

[Approved June 14, 1913. In effect August 10, 1913.]

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

SECTION 1. Section ten hundred and ninety-six of the Political Code of the State of California is hereby amended to read as follows:

1096. The affiant making the affidavit of registration must be a citizen of the United States at least ninety days prior to the next succeeding election, and be at least twenty-one years of age at the time of such election, and may state in such affidavit the name of any political party or organization with which he intends to affiliate at the ensuing primary election, whether or not such party or organization is a party or organization qualified, at the time of such registration, to participate in such primary election according to the provisions of the direct primary law. Such affidavit must also show:

Affidavit of registration.

1. The name at length, including Christian or given name, and middle name, or initial, if any, said Christian or given

Information given.

name, if the name of a woman, to be preceded by the designation of Miss or Mrs., as the case may be.

2. The sex.

3. The occupation.

4. The height.

5. The country or state of nativity.

6. The place of residence of the elector (giving ward and precinct); and in municipal corporations, by specifying the name of the street, avenue, or other location of the dwelling of such elector, with the number of such dwelling, if the same has a number, and if not, then with such description of the place that it can be readily ascertained and identified. If the elector be not the proprietor or head of the house, or the wife or husband of such proprietor, then it must show that fact, and upon what floor thereof, and what room such elector occupies in such house.

7. If naturalized, the place of naturalization.

8. If the elector has acquired citizenship by marriage, the date or year and place of such marriage, and the name of the person to whom married.

9. The date of entry of each person.

10. The post-office address.

11. The fact whether or not the elector desiring to be registered is able to read the constitution in the English language and to write his name, and whether or not the elector has any physical disability, by reason of which he can not mark his ballot; and if he can not mark his ballot by reason of physical disability, then the nature of such disability must be entered.

SEC. 2. Section ten hundred and ninety-seven of the Political Code of the State of California, is hereby amended to read as follows:

1097. No person's name must be entered by the officer charged with the registration of voters unless:

1. Upon the production and filing of a certified copy of the judgment of the superior court directing such entry to be made.

2. If a naturalized citizen, upon the production of his certificate of naturalization, which certificate must be issued ninety days prior to the succeeding election, or upon his affidavit that it is lost or out of his possession, which affidavit must state the place of his nativity, and date or year and place of his naturalization, together with his affidavit that he has resided in the United States for five years next preceding the time of application, and that he will have resided in the state one year, and in the county or city and county ninety days, and in the precinct thirty days next preceding the next ensuing election, and that he is or will be an elector of the county or city and county at the next succeeding election; *provided, however,* if such naturalized citizen shall have been previously registered as a qualified elector of any of the counties or cities and counties of this state, and shall produce a certificate of such registration, issued by the party authorized

Qualifications for registration.

Naturalized citizen.

by law to issue such certificate, which shall recite the date or year and place of naturalization of such elector, such certificate shall be prima facie evidence of his naturalization. In the event that such naturalized citizen shall state in his affidavit that he was naturalized in the county or city and county in which he seeks to register, or in the event that he was previously registered within the preceding eight years within the county or city and county in which he seeks to register, and his certificate of naturalization has not been revoked, or that she has not since gaining citizenship lost her citizenship, such citizen shall not be required to produce his or her certificate of naturalization, or of marriage, nor to make such affidavit of lost certificate in lieu thereof; *provided, however*, that in any county or city and county where the affidavits of registration have been destroyed by fire or conflagration, or other public calamity, the above stated provisions as to previous registration within the preceding eight years shall in such county or city and county, apply only for such number of years past as there shall exist a record of previous registration, and not to exceed in any event said eight years.

3. If a citizen, by virtue of the naturalization of his father, upon his affidavit that he became a citizen of the United States by virtue of such naturalization of his father, which naturalization took place during his minority and that he began to reside permanently in the United States while such minor child, and that he is or would be an elector of the county or city and county at the next ensuing election.

Father
natural-
ized.

4. If a citizen by virtue of marriage, her name shall be entered when it also appears from such affidavit that the affiant on a date or year and at a place therein mentioned, married a citizen of the United States, naming him, or a person, naming him, who became a citizen of the United States by naturalization.

By mar-
riage.

5. In all other cases, upon the affidavit of the party that he is or will be an elector of the county at the next succeeding election. Such affidavit must be made before the county clerk or officer charged with the registration of voters, or their deputy or registration clerk. If an elector is absent from the county in which he claims residence, he may appear before any judge or clerk of any court of record, or notary public, or if in a foreign country, before any minister, consul, or vice consul of the United States, and may make and subscribe an affidavit as to his residence, specifying in what ward or precinct he claims residence: that he will be necessarily and unavoidably absent from said county or city and county, on all the days allowed by law for general registration of electors, and setting forth in such affidavit each and all the matters required by sections one thousand and ninety-six and one thousand and ninety-seven of the Political Code of the State of California, and forward such affidavit, duly authenticated as above, by mail, enclosed in an envelope, addressed to the county clerk of any county, or the registrar of voters in any county or city and

Other
cases.

county in which he claims to be an elector. Upon receipt of such affidavit by such clerk or registrar of voters within the time allowed by law for registration, the said affidavit shall be entered and bound by the clerk in the proper register in such precinct.

Change of name by marriage.

6. Whenever any elector, between the time of her last registration and the time for the closing of registration for any given election in the same county or city and county, shall have lawfully changed her surname by a change or assumption of marital relations, she shall be entitled to re-register under her new or changed name, upon an additional statement made at the time of such re-registration, giving the name under which she was so last registered in said county or city and county, and the residence given and contained in said last affidavit of registration, which additional statement shall be printed or written upon the margin of such affidavit of re-registration before the said affidavit is signed, and shall be deemed a part thereof. Upon such re-registration the last previous registration of such elector shall be canceled.

All necessary facts must be shown.

7. In every case the affidavit of the party must show all the facts required to be stated. The clerk or registrar of voters may cause to be written or printed upon the margin of the affidavit, in addition to any matter hereinafter provided for, all such words as are deemed necessary or convenient for the purpose of designating the precinct, district or political subdivision for which such affidavit is taken, or deemed necessary or convenient to indicate any removal or transfer of registration, and also any data or memorandum deemed necessary or convenient to indicate the number of the ballot voted by an elector as provided by section 1204 of the Political Code, or any other reasonable memoranda deemed necessary or convenient for the purpose of enabling such clerk or registrar of voters to perform his duties in the assorting or classification or handling of such affidavits with correctness and despatch.

In city and county.

Wherever in the following form of affidavit the word "county" is inserted, if the affidavit is for use in a city and county, such last mentioned words may be printed or written in lieu of said word "county." In connection with the place of residence the affidavit may have printed either the word "precinct," or the word "street," or the word "avenue," or any or all of such words as the clerk or registrar of voters shall deem will be most convenient in practical use for the territory in which such affidavits are to be used. In designating the residence of the voter or the post-office address it shall not be necessary in either case to repeat the county or city and county or state where the name of said county or city and county or state previously appear. The words printed in the body of the affidavit, which by reason of statements of the voter are not applicable to such registration, shall not be deemed a portion of such affidavit of registration. The lines to indicate the separation between the margin of the affidavit of registration and the said margin shall be at the top and on the right side

Words not applicable.

of such affidavit, and may be double or single lines in the discretion of the clerk or registrar of voters of the county or city and county or territory for which the affidavit is to be used. The affidavit shall be printed in horizontal lines. Wherever any blank space is left in any line for the entry of any matter the lines shall not be less than one third of an inch apart vertically. Commencing with the first statement of the affidavit proper each statement shall be numbered immediately at the left of such statement in a numerical sequence, the first statement commencing with No. 1, and so on to the end, but the jurat and space for the signature of the voter need not be numbered. The horizontal width of the affidavit, separate from any and all margin, shall not be less than seven and one half inches, and the margin upon all sides and at top and bottom shall be of such width as may be determined by the clerk or register of voters. The words "Affidavit of Registration" shall be not less than twenty-four point black-face type. Pen and ink or indelible pencil must be used in making the portions of the affidavit which are not printed. The matter in the body of the affidavit, where the size of type is not otherwise specified, shall be not less than ten-point plain faced type, save that words inserted in parentheses, which are for the information or instruction of the deputies or registration clerks, may be in smaller type, at the discretion of the county clerk or registrar of voters. Subject to the foregoing provisions the body of said affidavit shall be substantially in the following form:

Statements numbered.

Size.

Type.

Form.

[Face of affidavit on insert.]

CHAPTER 643.

An act to amend section 4259 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirtieth class.

[Approved June 16, 1913. In effect August 10, 1913.]

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

SECTION 1. Section 4259 of the Political Code of the State of California, is hereby amended to read as follows:

4259. In counties of the thirtieth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, to wit:

Counties, thirtieth class, salaries of officers.

1. The county clerk, two thousand five hundred (\$2,500.00) per annum; *provided*, that in counties of this class there shall be, and there hereby is, allowed to the county clerk the following deputies, who shall be appointed by the county clerk and who shall be paid salaries as follows: one chief deputy clerk, at a salary of one hundred dollars (\$100) per month, one deputy clerk at a salary of fifty dollars (\$50) per month. The salaries of the deputies hereinabove provided for shall be paid by the

County clerk.

county in monthly installments, at the time and in the manner, and out of the same fund as the salaries of other county officers are paid.

Sheriff.

2. The sheriff, four thousand dollars (\$4,000.00) per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff the following deputies, who shall be appointed by the sheriff and shall be paid salaries as follows to wit: one under-sheriff at a salary of one hundred fifty (\$150.00) per month, one deputy sheriff at a salary of one hundred dollars (\$100.00) per month, and one deputy sheriff at fifty dollars (\$50.00) per month, who shall be head jailer at the county jail in said county; *provided*, that if the sheriff shall not be allowed the privilege of boarding the prisoners as heretofore provided, in this county, then the deputy who shall be head jailer shall receive the salary of seventy-five dollars (\$75.00) per month; said sheriff and his deputies shall be allowed their actual traveling expenses in the performance of their duties, but no other fees or mileage of any nature or kind shall be allowed in civil or criminal matters, all fees of every nature and kind collected by the sheriff shall be turned in to the county treasurer. The salaries of the deputies hereinbefore provided shall be paid in monthly installments by said county, at the same time and manner and out of the same fund as the salaries of other county officers are paid.

Recorder.

Recorder.

3. The recorder, three thousand dollars (\$3000.00) per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the recorder one copyist who shall be appointed by the recorder of said county, who shall be paid a salary of fifty dollars (\$50.00) per month, which salary shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Auditor.

4. The auditor eighteen hundred dollars (\$1800.00) per annum.

Tax collector.

5. The tax collector, twenty-one hundred dollars (\$2100.00) per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the tax collector a deputy to be appointed by the tax collector, who shall receive a salary of sixty-five dollars (\$65.00) per month for four months in the year, which salary shall be paid by said county in monthly installments, during said period of four months, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Assessor.

6. The assessor, thirty-six hundred dollars per annum; and said assessor may appoint one deputy assessor, who shall receive a salary of twelve hundred dollars per annum; also five deputy assessors, who shall serve as such only during the months of March, April, May and June of each year, who shall receive a salary of four dollars per day; said salary shall be paid by said county in monthly installments and at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid; *provided*, however, that the above

salaries and compensations shall be in full for all services rendered by him in his capacity as such assessor, and that no commissions now or hereafter allowed by law shall be retained by him, but that all such commissions shall be paid into the county treasury, and said assessor shall receive no compensation for the preparation of the military roll of this county.

7. The county treasurer, twenty-one hundred dollars Treasurer. (\$2100.00) per annum; *provided*, that all commissions received by the treasurer on the collection of inheritance taxes shall be paid into the county treasury.

8. The district attorney, twenty-five hundred dollars District attorney. (\$2500.00) per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney a deputy, who shall be appointed by the district attorney of said county, and whose salary is hereby fixed at the sum of seven hundred and eighty dollars (\$780.00) per annum, which shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the district attorney; *provided, further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interest of said counties requires it.

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

10. Public administrator, such fees as are now or may here- Public administrator. after be allowed by law.

11. The superintendent of schools, twenty-one hundred dollars Superintendent of schools. (\$2100.00) per annum. His office shall be kept open on all business days from nine a.m. to twelve m., and from one p.m. to four p.m. He shall be allowed his actual traveling expenses, when visiting the schools of this county and such per diem as is now or may hereafter be allowed by law for services as a member of the county board of education; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools a deputy, to be appointed by the superintendent of schools, who shall receive from the county a salary of sixty-five dollars per month, to be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as is the salary of the superintendent of schools.

12. The county surveyor, twenty-five hundred dollars Surveyor. (\$2500.00) per annum; and in addition thereto all necessary expenses and transportation for work performed in the field, and all necessary expenses for searching record and compiling assessor's maps; *provided*, that in counties of this class the board of supervisors may allow the surveyor additional help when in its judgment the work of office demands it; and the expense of such additional help to be paid out of the county treasury upon county demands filed with and allowed by the board of supervisors.

13. In counties of this class, each member of the county board Board of education.

of education shall receive five dollars for each day the board of education is in session, not to exceed a total of three hundred and fifty dollars per annum. In addition each member shall receive the same mileage as is allowed the members of the board of supervisors of said county. Compensation of the members of the county board of education shall be payable out of the same funds and in the same manner as is the salary of the county superintendent of schools.

Justices of
the peace.

14. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered in both civil and criminal cases: in townships where the population is four thousand or more, one hundred and fifty dollars (\$150.00) per month, and said justice of the peace shall be furnished with offices and necessary supplies by the board of supervisors of said county; in townships where the population is two thousand and less than four thousand, eighty dollars (\$80.00) per month; in townships where the population is one thousand and less than two thousand, forty dollars (\$40.00) per month; in townships where the population is less than one thousand, twenty dollars (\$20.00) per month; *provided*, that the justice of the peace shall, before receiving his monthly salary, file with the auditor a statement of all fines received, together with the treasurer's receipt for same; *provided, further*, that no justice of the peace shall hold the office of city recorder.

Con-
stables.

15. Constables shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: in townships where the population is four thousand or more, eighty dollars (\$80.00) per month; in townships where the population is two thousand and less than four thousand, seventy dollars (\$70.00) per month; in townships where the population is one thousand and less than two thousand, fifty dollars (\$50.00) per month; in townships where the population is less than one thousand, twenty-five dollars (\$25.00) per month. In addition to the monthly salary herein allowed, each constable may retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting or conveying prisoners to court or to prison, which said expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Popula-
tion, how
ascertained.

16. For the purposes of subdivisions 14 and 15 of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by three (3) the vote for governor of the State of California cast in each township at the next preceding election.

Super-
visors.

17. (*Salary of supervisors.*) Each member of the board of supervisors, twelve hundred dollars (\$1200.00) per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board at the county seat,

and twenty cents (20¢) per mile in traveling from his residence to the county seat; *provided*, that not more than one mileage for any one regular session of the board shall be allowed, and not more than one mileage for any special session of the board shall be allowed.

18. The salaries of all county and township officers and their deputies shall be payable in monthly installments on the first day of each month. Payable monthly.

19. (*Fees and mileage of grand jurors.*) For acting as a grand juror in the superior court, for each day's attendance per day, three dollars (\$3.00). For every mile actually traveled in attending court as a grand juror in going only, twenty-five cents (25¢) per mile. Fees, grand jurors.

CHAPTER 644.

An act to amend section four thousand two hundred and fifty of the Political Code of the State of California relating to the salaries and fees of the officers of the counties of the twenty-first class.

[Approved June 16, 1913. In effect January 4, 1915.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred and fifty of the Political Code of the State of California is hereby amended to read as follows:

4250. In counties of the twenty-first class the county and township officers shall receive, as full compensation for the services required of them by law or by virtue of their offices, the following fees and salaries: Counties, twenty-first class, salaries of officers.

1. County clerk, three thousand five hundred dollars per annum, and shall receive in addition the sum of six hundred dollars a year for every year that an election is held throughout the State of California; he also shall receive in addition the sum of ten cents per name for each voter registered in the county of Santa Cruz, which shall be in full for all services required in registering voters and making up the great register, and the performing of all other acts incident to or pertaining to elections; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk one copyist and index clerk who shall be appointed by the county clerk and who shall be paid a salary of nine hundred dollars per annum, and whose salary shall be paid in monthly installments in the same manner and out of the same fund as the salary of the county clerk is paid. County clerk.

2. Sheriff three thousand dollars per annum; *provided*, that there shall be and there is hereby allowed to said sheriff an under-sheriff who shall receive a salary of twelve hundred dollars per annum and one deputy sheriff, who shall also act as night jailor, at a salary of five hundred dollars per annum; the said under-sheriff and the said deputy to be appointed by the sheriff.

sheriff and the salaries of which shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid; *and provided, further*, that in addition thereto, the sheriff shall receive and retain for his own use and benefit all of the fees, per diem, mileage and expenses which are now or which may hereafter be allowed by law, and the fees and commissions for the service of all papers whatsoever issued by any court in the state outside of Santa Cruz county.

Recorder. 3. The recorder, twenty-four hundred dollars per annum; *provided, however*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office not exceeding seven cents per folio for each paper or document so recorded; *provided, further*, that said recorder shall file monthly, with the county auditor, a verified statement showing in detail the persons and the amounts paid to each for such recording.

Auditor. 4. The auditor, two thousand seven hundred and fifty dollars per annum.

Treasurer. 5. The treasurer, twenty-four hundred dollars per annum.

Tax collector. 6. The tax collector, twenty-seven hundred and fifty dollars per annum; *provided*, that in lieu of the clerk now allowed this office for six months during each year, the said tax collector is hereby allowed one deputy for the entire year who shall receive a salary of nine hundred dollars per annum; said salary to be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid. The provisions herein applying to the appointment and the salary of said deputy shall go into effect ninety days after the approval of this act.

Assessor. 7. The assessor, three thousand dollars per annum; *provided*, that in addition the assessor shall be allowed one office deputy at nine hundred dollars per annum; one draftsman at twelve hundred dollars per annum; one deputy for five months in the year at one hundred dollars per month; one copyist for five months in the year at forty dollars per month; one deputy for five months in the year at one hundred dollars per month; one deputy for three months in the year at one hundred dollars per month, and one deputy for four months in the year at one hundred dollars per month; *and provided, further*, that all of said deputies, clerks and draftsmen, herein provided for, shall be appointed by the assessor and shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

District attorney. 8. The district attorney, two thousand dollars per annum, and one deputy for the district attorney is hereby provided for at the discretion of the board of supervisors expressed by resolution.

Coroner. 9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools, a clerk which office is hereby created, at a salary of fifty dollars per month, and who shall be appointed by the superintendent of schools. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid. Superintendent of schools.

12. The surveyor, such fees as are now or may be hereafter allowed by law. Surveyor.

13. Board of supervisors, each member of the board of supervisors one hundred dollars per month and no mileage. Supervisors.

14. For the purpose of regulating the compensation of justices of the peace and constables, judicial townships in this class of counties are hereby classified according to their population as follows: Townships containing a population of ten thousand or more shall belong to and be known as townships of the first class; townships containing a population of less than ten thousand and more than six thousand shall belong to and be known as townships of the second class; townships containing a population of less than six thousand and more than four thousand shall belong to and be known as townships of the third class; townships containing a population of less than four thousand and more than two thousand shall belong to and be known as townships of the fourth class; townships containing a population of less than two thousand shall belong to and be known as townships of the fifth class; the population of the several judicial townships shall be determined for the purpose of this and the succeeding subdivisions by multiplying by three the total number of names registered as voters in such townships as shown by the complete index to great register as compiled and certified by the county clerk of said class of counties in October, A. D. 1912. Judicial townships, how classified.

15. Justices of the peace shall receive the following salaries which shall be paid monthly in the same manner as the salaries of county officers are paid, out of the salary fund of the county, which shall be in full for all services rendered by them in criminal cases; *provided, however*, that if two justices of the peace shall be elected and qualify in any one township, then the said justices shall each receive one half of the salaries therein provided for, to wit: in townships of the first class, one hundred dollars per month; in townships of the second class, sixty-five dollars per month; in townships of the third class, forty dollars per month; in townships of the fourth class, twenty-five dollars per month; in townships of the fifth class, fifteen dollars per month. In addition to the monthly salaries herein allowed, each justice may receive and retain for his own use, such fees as are now or may here- Justices of the peace.

after be allowed by law for services rendered by him in civil cases. Justices of the peace in the first and second classes shall be allowed their actual office rent, not to exceed the sum of fifteen dollars each, for any one month.

Con-
stables.

Constables shall receive the following fees and salaries which shall be paid monthly in the same manner as the salaries of the county officers are paid, out of the salary fund of the county, which shall be in full for all services rendered by them in criminal cases, to wit: in townships of the first class, forty dollars per month; in townships of the second class, forty dollars per month; in townships of the third class, forty dollars per month; in townships of the fourth class, twenty-five dollars per month; in townships of the fifth class, fifteen dollars per month; *provided*, that in addition to the salaries herein allowed, each constable shall be paid out of the general fund of the county for traveling expenses outside of his own township, for the service of a warrant of arrest, or any other process in a criminal case (where such service is in fact made), both going and returning, ten cents per mile; for each mile traveled outside of his county, both going to and returning from the place of arrest, or other service of process, five cents per mile; for transporting prisoners to the county jail, a constable shall be allowed his actual expenses each way. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases.

Reporter.

16. The official reporter of the superior court shall receive the fees allowed by law.

Salaries,
full com-
pensation.

17. In fixing the compensation of the above named officers in the amounts hereinabove specified, it is hereby expressly provided that the salaries and fees above provided shall be in full compensation of all services of every kind and description rendered by the officers named herein, either as officers or ex officio officers, their deputies and assistants, and it is hereby further expressly provided that all of the fees, commissions, per diem and expenses provided for in section four thousand two hundred and ninety of the Political Code of the State of California, and all other moneys coming into the hands of the county and township officers, no matter from what source derived or received, shall belong to and be the property of the county of Santa Cruz and shall be paid into the county treasury by said officer at the same time and in the same manner that other moneys are required by law to be paid into the county treasury by him, save and except, however, that the provisions of this subdivision shall not apply to the offices of sheriff, recorder, district attorney and superintendent of schools, and they are expressly exempted from the provisions of this subdivision, and as to said offices herein last named, to wit: sheriff, recorder, district attorney and superintendent of schools, they shall receive the salaries, fees, and commissions provided for by law, and as provided for in subdivisions two, three, eight and eleven of this act.

18. This act shall not become operative nor take effect until the present terms of the above named officers expire; it being the intention of this act to have the salaries and fees hereinabove mentioned become effective at the commencement of the next term of office, to wit: the first Monday in January in the year nineteen hundred and fifteen, except as herein otherwise provided.

Effective first Monday in January, 1915.

CHAPTER 645.

An act to amend section four thousand two hundred eighty-four of the Political Code of the State of California relating to salaries of officers in counties of the fifty-fifth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4284 of the Political Code of the State of California is hereby amended to read as follows:

Section 4284. In counties of the fifty-fifth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

Counties, fifty-fifth class, salaries of officers.

1. The county clerk, two thousand dollars per annum.
2. The sheriff, three thousand dollars per annum.
3. The recorder, one thousand dollars per annum.
4. The auditor, one thousand dollars per annum.

5. The treasurer, fifteen hundred dollars per annum; *provided*, that all fees and commissions now allowed by law or which may hereafter be allowed by law to said treasurer by virtue of the said office shall be paid into the county treasury.

Treasurer.

6. The tax collector, twelve hundred dollars per annum.

7. The assessor, three thousand dollars per annum; *provided*, that all commissions and fees now allowed by law or which may hereafter be allowed by law to the said assessor on the collection of personal property taxes and on the collection of poll taxes, road and hospital taxes, shall be paid into the county treasury.

Assessor.

8. The district attorney, fifteen hundred dollars per annum.

District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand dollars per annum which said sum of one thousand dollars shall also be in full payment of the services of such superintendent of schools upon the board of education.

Superintendent of schools.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. The justice of the peace, such fees as are now or may be hereafter allowed by law.

Con-
stables.

14. The constables, such fees as are now or may be hereafter allowed by law.

Super-
visors.

15. Each member of the board of supervisors, six hundred dollars per annum; mileage from residence to county seat at each sitting of the board, twenty cents per mile.

Fees,
jurors.

16. (*Jurors*). The fees of grand jurors and trial jurors in the superior courts of counties of this class, in civil and criminal cases, shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of twenty-five cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants.

The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

CHAPTER 646.

An act to amend section four thousand two hundred seventy-one of the Political Code relating to salaries of officers of counties of the forty-second class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4271 of the Political Code is hereby amended to read as follows:

Counties,
forty-
second
class,
salaries
of officers.

4271. In counties of the forty-second class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

County
clerk.

1. The county clerk, \$2,000 per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk one deputy clerk, who shall be appointed by the county clerk and shall be paid as salary the sum of \$1,200 per annum, which sum shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk.

Sheriff.

2. The sheriff \$5,000 per annum and such mileage as is allowed by law for service of all papers wherever issued by any court outside this county and all mileage for service of paper in civil cases in his own county and actual expenses incurred in criminal cases.

Recorder.

3. The recorder \$2,100 per annum; *provided, further*, that in counties of this class there shall be and is hereby allowed to the recorder, one deputy recorder who shall be appointed by the recorder and shall be paid a sum of \$100 per month; also, an additional deputy recorder who shall be appointed

by the recorder and who shall be paid a salary of \$75 per month, which said sum shall be paid by said county in equal monthly installments at the same time, in the same manner and out of the same fund as the salary of the recorder is paid.

4. The auditor, the sum of \$2,000 per annum; *provided*, Auditor. that in counties of this class there shall be and there is hereby allowed to the auditor one deputy auditor which said office is hereby created who shall be appointed by the auditor and shall be paid a salary of \$75 per month, which sum shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the auditor.

5. The treasurer, \$1,620 per annum. Treasurer.

6. The tax collector, \$1,800 per annum; *provided*, Tax collector. that in counties of this class there shall be and there is hereby allowed to the tax collector one deputy tax collector, which said office is hereby created, for the months of October, November, March and April of each year, said deputy tax collector to be appointed by the tax collector and shall be paid the salary of \$75 per month for the months so employed, which said sum shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector.

7. The assessor, \$2,500 per annum; *provided*, Assessor that in counties of this class there shall be one deputy assessor who shall be appointed by the assessor and shall receive as compensation for all services performed by him the sum of \$100 per month; *and provided, further*, that the assessor may also appoint four additional deputies for a period of three months during each year, which offices of deputy assessors are hereby created and such deputy assessors shall receive as compensation for all services as such deputy assessors the sum of \$4 per day each, for each day actually and necessarily employed as such said deputies, to be paid out of the county treasury in the same manner, at the same time and out of the same funds as the salaries of the other county officers are paid.

8. The district attorney, \$2,000 per annum; *provided*, District attorney. that in lieu of a temporary deputy heretofore provided for by law, the district attorney may appoint a stenographer, whose compensation shall be \$60 per month, and such allowance shall be made as other claims are allowed by the board of supervisors, and when so allowed shall be paid out of the salary fund.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

11. The superintendent of schools, \$1,800 per annum; *provided*, Superintendent of schools. that in counties of this class there shall be and is hereby allowed to the superintendent of schools a deputy who shall be appointed by the superintendent of schools and paid a salary of \$500 per annum, said salary to be paid by said

county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

Surveyor. 12. The surveyor, \$10 per day when engaged in county work. He shall also receive his actual expenses when at work in the field.

Township officers. 13. In counties of this class the township officers shall receive the following compensation for all services rendered by them in criminal matters of whatever kind, character or description.

Justices of the peace and constables. 14. In townships having a population of 4,000 or more, justices of the peace and constables shall each receive a monthly salary of \$125, to be paid each month in the same manner and out of the same fund as the salary of county officers are paid. In townships having a population of less than 4,000, such fees as are now or may hereafter be allowed by law. In addition to the monthly salaries allowed herein, each township officer may receive for his own use such fees as are now or may be hereafter allowed by law in civil actions.

Super-
visors. 15. Each member of the board of supervisors, \$1,200 per annum and twenty-five cents per mile while traveling from their respective residence to the county seat not more than once each month; and *provided, further*, that said supervisors shall act as road commissioners in their respective districts, which offices are hereby created and shall receive for the service of such road commissioner mileage at the rate of twenty-five cents per mile for all distances actually traveled by them in the discharge of their duty as such road commissioner; and *provided, further*, that such mileage as road commissioner shall not in any one year exceed the sum of \$600 for any one of said road commissioners.

Reporter. 16. In counties of this class, the official reporter of the superior court shall receive such fees as are now or may hereafter be allowed by law. The compensation allowed each officer above enumerated shall be in full payment for all services performed by them.

CHAPTER 647.

An act to amend section four thousand two hundred fifty-five of the Political Code of the State of California, relating to salaries and fees of officers in counties of the twenty-sixth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4255 of the Political Code of the State of California is hereby amended so as to read as follows:

Counties,
twenty-
sixth class,
salaries
of officers. 4255. In counties of the twenty-sixth class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum, and five hundred dollars additional per annum for compiling the great register of the county. In counties of this class the county clerk may appoint a deputy county clerk, which office of deputy county clerk is hereby created, and said deputy county clerk shall receive as compensation for all services performed as such, the sum of nine hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. The county clerk may appoint such number of deputies as may be necessary for the convenient registration of electors in their respective precincts or townships, and each such registration deputy shall receive as compensation for all services performed as such the sum of ten cents per name for each elector registered by him, to be paid monthly, at the same time, in the same manner and out of the same fund as salaries of county officers are paid; *provided*, that each such registration deputy, when so appointed, shall, prior to the drawing of any warrant for such compensation, first file with the auditor a statement, verified by the oath of such registration deputy, and approved in writing by the county clerk, showing the number of electors so registered by him during the period covered by such statement. The county clerk shall also receive and retain for his own use such fees as are now or may hereafter be allowed by law for issuing hunting and fishing licenses, for the naturalization of persons desiring to become citizens, and such other fees of similar character as are now or may hereafter be allowed by law for the performance of any service rendered by the county clerk other than in his official character as county clerk. All other fees or commissions shall be collected by the county clerk and shall be by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation; *provided*, that this subdivision of this section shall not go into effect or be in force until the expiration of the term of office of the incumbent.

2. The sheriff, four thousand five hundred dollars per annum. In counties of this class the sheriff may appoint an under-sheriff, which office of under-sheriff is hereby created, and said under-sheriff shall receive as compensation for all services performed as such the sum of one thousand five hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. In counties of this class the sheriff shall be allowed such sum as the board of supervisors shall fix for the board of prisoners confined in the county jail, and his actual necessary expenses for pursuing, searching for and arresting criminals and persons charged with being insane, and for conveying prisoners and persons charged with being insane to court and to prison or other place of confinement or detention and to and from state prisons, state hospitals and other institutions, and his actual

necessary expenses for keeping, preserving and selling property seized, held or sold on attachment, execution or other process, and for the service and posting of all process papers and notices required by law to be served or posted by the sheriff. All such actual necessary expenses and said sum for the board of prisoners shall be a proper legal charge against the county and shall be allowed, audited and paid out of the county treasury in the same manner as other county charges are allowed, audited and paid. The sheriff shall collect from the state all per diem and expenses incurred in conveying prisoners and persons adjudged insane, to and from state prisons, state hospitals and other institutions and pay the same, when so collected, into the county treasury, and the same and all other fees, commissions and compensation other than as hereinabove provided, which, in other counties of other classes, are allowed by law to the sheriff, as a part of his compensation, shall be paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation; *provided*, that this subdivision of this section shall not go into effect or be in force until the expiration of the term of office of the incumbent.

Recorder.

3. The recorder, two thousand dollars per annum; *provided*, that in counties of this class the recorder may appoint a deputy, which office is hereby created, and said deputy county recorder, shall receive as compensation for all services performed as such the sum of seven hundred and twenty dollars per annum, payable out of the county treasury in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. The recorder may employ as many copyists as may be required, who shall receive as compensation, the sum of five cents per folio for recording any instrument or notice, except maps or plats, and for making copies of any records or papers, five cents per folio. The salaries of such copyists shall be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; *provided*, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as copyists and the amount due to each for such copying. All fees, commissions or other compensation allowed by law to the recorder in other counties of other classes, as a part of his compensation, shall be paid into the county treasury and no part thereof shall be retained by him as a part of his compensation; *provided*, that this subdivision of this section shall not go into effect or be in force until the expiration of the term of office of the present incumbent.

Auditor.

4. The auditor, one thousand five hundred dollars per annum; *provided*, that in counties of this class the auditor may appoint a deputy, which office of deputy auditor is hereby created, to serve during the month of October in each year, and said deputy auditor shall receive as compensation for all services performed as such, during the said month of October, the sum of one hundred dollars, to be paid out of the county

treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; *provided*, that the provisions of this subdivision of this section shall not go into effect or be in force until the expiration of the term of office of the incumbent.

5. The county treasurer, two thousand dollars per annum; *Treasurer.* *provided*, that in counties of this class the treasurer may appoint a deputy, which office of deputy treasurer is hereby created, and the said deputy treasurer shall receive as compensation for all services performed as such the sum of six hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. All fees, commissions or other compensation allowed by law to the treasurer in other counties of other classes shall be collected by the treasurer and be by him paid into the county treasury and no part thereof shall be retained by him as a part of his compensation: *provided*, that this subdivision of this section shall not go into effect or be in force until the expiration of the term of office of the incumbent.

6. The tax collector, two thousand dollars per annum; *Tax collector.* *provided*, that in counties of this class the tax collector may appoint a deputy tax collector, which office of deputy tax collector is hereby created, and said deputy tax collector shall receive as compensation for all services performed as such, the sum of seven hundred and fifty dollars per annum, to be paid out of the county treasury, in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. All fees, commissions or compensation allowed by law to the tax collector in other counties of other classes shall be collected by the tax collector and be by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

7. The assessor, three thousand six hundred dollars per annum; *Assessor.* *provided*, in counties of this class the assessor may appoint a chief deputy assessor, which office of chief deputy assessor is hereby created, and said chief deputy assessor shall receive as compensation for all services performed as such the sum of one thousand two hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. The assessor may also appoint six field deputies, which offices of field deputies are hereby created, to serve for not exceeding ninety days in any one year, and said field deputy assessors shall each receive as compensation for all services performed as such the sum of four dollars per day for each day actually and necessarily employed as such, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; *providing*, that each field deputy, when so employed, shall file with the auditor a statement verified by the oath of such field deputy and approved by the asses-

sor, showing the number of days actually and necessarily employed in the performance of the duties of such employment during the period covered by said statement, before any warrant for the payment of such compensation shall be drawn by the auditor. All commissions, fees or compensation for the collection of taxes on personal property, for the collection of poll taxes and road poll taxes, and for services in making out the roll of persons subject to military duty, and all other fees or commissions shall be collected by the assessor and by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation; *provided, further*, that this subdivision of this section shall not go into effect or be in force during the term of the present incumbent.

District
attorney.

8. The district attorney, two thousand five hundred dollars per annum. In counties of this class the district attorney may appoint a deputy district attorney, which office of deputy district attorney is hereby created, and said deputy district attorney shall receive as compensation for all services performed as such the sum of one thousand five hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of county officers are paid. The district attorney may also appoint a stenographer for service in his office, which office of stenographer to the district attorney is hereby created, and said stenographer shall receive as compensation for all services performed as such the sum of six hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of county officers are paid.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public ad-
ministra-
tor.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superin-
tendent
of schools.

11. The superintendent of schools, one thousand six hundred dollars per annum and actual necessary traveling expenses when visiting schools of the county. The superintendent of schools may appoint a deputy superintendent of schools, which office of deputy superintendent of schools is hereby created, and said deputy superintendent of schools shall receive as compensation for all services performed as such the sum of nine hundred dollars per annum, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid.

Surveyor.

12. The surveyor, one thousand dollars per annum, for all work performed for the county, and in addition thereto his actual necessary traveling expenses incurred in connection with field work, and also actual necessary expenses incurred in such field work, and actual necessary expenses and costs of supplies in preparing maps, tracings, plats and diagrams for the county assessor or other county officers, when directed by him or them to prepare the same. All of such expenses and costs shall be

proper legal charges against the county and shall be allowed, audited and paid out of the county treasury, in the same manner that other county charges are allowed, audited and paid. All fees, commissions or other compensation allowed to the surveyor in other counties of other classes, except fees or charges for surveys made for private persons and not directed by the board of supervisors or county officers for county uses or purposes, shall be collected by the surveyor and by him paid into the county treasury, and no part thereof, except such fees or charges for such private surveys, shall be retained by him as a part of his compensation; *provided*, that this subdivision of this section shall not go into effect or be in force during the term of office of the present incumbent.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in counties of this class are hereby classified according to their population, as shown by the federal census of nineteen hundred and ten, as follows:

Townships,
how class-
fied.

Townships having a population of five thousand, or more, shall belong to and be known as townships of the first class; townships having a population of three thousand, and less than five thousand, shall belong to and be known as townships of the second class; townships having a population of one thousand, and less than three thousand, shall belong to and be known as townships of the third class, and townships having a population of less than one thousand shall belong to and be known as townships of the fourth class.

14. Justices of the peace shall receive the following salaries, which shall be paid monthly, out the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid, to wit:

Justices of
the peace.

1. In townships of the first class, one hundred dollars per month;
2. In townships of the second class, seventy dollars per month;
3. In townships of the third class, forty dollars per month;
4. In townships of the fourth class, twenty-five dollars per month.

In addition to the said monthly salaries herein provided for, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions or proceedings.

Justices of the peace, in townships of the first class, shall be allowed their actual office rent and necessary incidental expenses, not to exceed the sum of twenty-five dollars for any one month.

15. Constables shall receive the following salaries, which shall be paid monthly, out of the county treasury, at the same time, in the same manner and out of the same fund that salaries of county officers are paid, and which shall be in full of all services rendered by them in criminal cases, to wit:

Con-
stables.

1. In townships of the first class, seventy-five dollars per month;

2. In townships of the second class, fifty-five dollars per month;

3. In townships of the third class, thirty dollars per month;

4. In townships of the fourth class, twenty dollars per month.

In addition to said monthly salaries each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions or proceedings, and shall also be allowed all necessary expenses actually incurred in arresting and pursuing criminals, and in conveying prisoners to court or to prison, which said actual necessary expense shall be allowed, audited and paid out of the county treasury, in the same manner other county charges are allowed, audited and paid.

Super-
visors.

16. Each member of the board of supervisors shall receive one thousand dollars per annum, payable in equal monthly installments, and which shall be in full for all services rendered as supervisor.

Fees,
jurors.

17. In counties of this class the fees of grand jurors and trial jurors, in the superior court, in civil and criminal actions and in all special proceedings, shall be three dollars a day for each day's attendance, and mileage, to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, or in attending sessions of the grand jury, in going only.

In criminal actions such fees and mileage of such trial jurors shall be paid by the treasurer, out of the general funds of the county, upon warrants drawn by the auditor, who shall draw such warrants upon the written order of the judge of the superior court in which said juror was in attendance, and the treasurer shall pay all such warrants.

CHAPTER 648.

An act to amend section four thousand two hundred and seventy-six of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-seventh class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred and seventy-six of the Political Code of the State of California is hereby amended to read as follows:

Counties,
forty-
seventh
class,
salaries
of officers.

4276. In counties of the forty-seventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Sheriff.

1. The county clerk, fourteen hundred dollars per annum.
2. The sheriff, five thousand dollars per annum and mileage for services of any and all processes required by law to

be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty, and for service of all processes issued from all courts outside of his county; the sheriff to pay all salaries of his deputies.

3. The recorder, sixteen hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law. Recorder.

4. The auditor, fifteen hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, twenty-one hundred dollars per annum.

8. The district attorney, two thousand one hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered, as hereinafter provided. In townships having a population of three thousand or more, fifty dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in. In townships having a population under three thousand, twenty-five dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may hereafter be allowed by law. In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases such fees as are now or may be hereafter allowed by law. In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are [now] or may be hereafter allowed by law. Justices of
the peace.

14. Constable, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, five hundred dollars; thirty cents per mile, one way.

Reporter.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, and coroners' inquests, a per diem of ten dollars, during employment, and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription and said per diem in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases said per diem to be paid by the litigants as the court may direct and said compensation for transcription of said notes to be paid by the party ordering the same, or when ordered by the judge, by either party or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

Popula-
tion, deter-
mined by
super-
visors.

17. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

Fees,
jurors.

18. Jurors' fees: For attending as a grand juror or juror in the superior court, for each day's attendance, per day, two dollars. For attending justice's court, in civil cases only, per day, two dollars. For each mile actually traveled in attending court as a juror, in going only, per mile, twenty cents.

Fees,
witness.

19. Witness fees: For each day's actual attendance, when legally required to attend upon the superior court, per day, two dollars. For each day's actual attendance, when legally required to attend before a grand jury, per day, two dollars. For each day's attendance upon a justice's court, in civil cases only, when legally required to attend, per day, two dollars. For each mile actually traveled in attending court as a witness, in going only, per mile, twenty cents. Witnesses in civil cases may demand the payment of their mileage and fees for one day, in advance, and when so demanded shall not be compelled to attend until the same shall have been paid.

CHAPTER 649.

An act to amend section 4265 of the Political Code of the State of California relating to the compensation of officers of counties of the thirty-sixth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

Counties,
thirty-
sixth class,
salaries
of officers.

SECTION 1. Section 4265 of the Political Code of the State of California is hereby amended to read as follows:

4265. In counties of the thirty-sixth class, the county officers shall receive as compensation for the services required of

them by law, or by virtue of their office, the following salaries, to wit:

1. County clerk, twenty-four hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is, allowed to the county clerk one chief deputy who shall receive a salary of fifteen hundred dollars per annum, one deputy who shall receive a salary of one thousand dollars per annum, and in each year in which a new and complete registration of voters is required by law he shall appoint as many deputy registration clerks as may be necessary for the convenient registration of the voters of the county, which deputy registration clerks shall receive as compensation for their services a sum of ten cents per name for each voter registered by them. County clerk.

2. Sheriff, three thousand dollars per annum; *provided*, that in counties of this class there shall be, and hereby is, allowed to the sheriff one under-sheriff, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one deputy, who shall be jailer, and who shall receive a salary of twelve hundred dollars per annum; one deputy, who shall be court bailiff, and who shall receive a salary of twelve hundred dollars per annum, and one deputy, who shall also be a chauffeur, and who shall receive a salary of twelve hundred dollars per annum. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation of this office, and it is intended that the same shall apply immediately to the present incumbents. Sheriff.

3. Recorder, twenty-four hundred dollars per annum; *provided*, that in counties of this class there shall be, and is hereby, allowed the recorder one deputy at a salary of twelve hundred dollars per annum, and as many copyists as may be required, who shall receive as compensation the sum of five cents per folio for recording, copying and comparing any instrument, or notice, except maps or plats, and for copies of any record or paper, five cents per folio. The salaries of all copyists herein provided for shall be paid by the county in monthly installments at the same time, and in the same manner, and out of the same fund that the salary of the county recorder is paid. Recorder.

4. Auditor, twenty-four hundred dollars per annum; *provided*, that there is hereby allowed to the auditor one deputy, who shall receive a salary of fifteen hundred dollars per annum, and one additional deputy, for not longer than three months each year, who shall receive one hundred dollars per month. Auditor.

5. Treasurer, twenty-four hundred dollars per annum.

6. Tax collector, twenty-four hundred dollars per annum; one deputy, for eight months of each year, who shall receive a salary of one hundred and twenty-five dollars per month, and two deputies, for not more than four months of each year, who shall receive salaries of ninety dollars per month. Tax collector.

7. Assessor, twenty-four hundred dollars per annum; one deputy, during six months of each year, who shall receive a salary of one hundred and fifty dollars per month; one deputy, Assessor.

during four months of each year, who shall receive a salary of one hundred and twenty-five dollars per month; three deputies, during four months of each year, who shall receive a salary of one hundred dollars each per month; also six field deputies, during three months of each year, who shall receive as their compensation one hundred dollars per month, and fees allowed by law on all poll taxes collected by them, said field deputies to pay all of their own expenses. It is hereby provided that in counties of this class the assessor shall receive no fees or compensation for his collection of taxes on personal property or possessory interest. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation of this office, and it is intended that the same shall apply immediately to the present incumbents.

District
attorney

8. District attorney, three thousand dollars per annum; one deputy, who shall receive a salary of eighteen hundred dollars per annum, and one stenographer, who shall receive a salary of twelve hundred dollars per annum. It shall be the duty of this stenographer to report and transcribe, without any additional charge, all preliminary hearings required of him by the district attorney.

9. Coroner, such fees as are now, or may be hereafter, allowed by law.

10. Public administrator, such fees as are now, or may be hereafter allowed by law.

Superin-
tendent
of schools.

11. Superintendent of schools, twenty-four hundred dollars per annum, and one deputy who shall receive a salary of one thousand dollars per annum; *provided*, that in counties of this class the superintendent of schools shall receive no compensation for services as a member of the county board of education or as ex officio secretary thereof.

Surveyor.

12. Surveyor, fifteen hundred dollars per annum, which shall be in full for all services required of him by the superior court or board of supervisors, or assessor. It shall be his duty on demand of the assessor, to prepare any and all maps, plats or block books for the use of the county assessor.

Justices of
the peace.

13. Justices of the peace shall receive the following monthly salaries to be paid each month in the same manner, and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: in townships having a population of more than four thousand, seventy-five dollars per month; in townships having a population of less than four thousand and more than two thousand, fifty dollars per month; in townships having a population of less than two thousand, twenty dollars per month.

Con-
stables.

14. Constables shall receive the following monthly salaries to be paid each month in the same manner, and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: in townships having a population of more than four thousand, seventy-five dollars per month; in townships having a population of less than four thousand and more than two thousand, fifty dollars

per month; in townships having a population of less than two thousand, twenty dollars per month. Constables shall co-operate at all times with the sheriff, and shall perform any and all duties that he may require of them; *provided*, that in civil cases, the constable shall be entitled to collect and retain the fees and mileage for their own use.

15. For the purpose of subdivisions 13 and 14 of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by six the vote cast for governor in each township at the general election next preceding. Popu-
lation, how
ascertained.

16. Each supervisor, twelve hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year. Super-
visors.

17. Horticultural commissioner, fifteen hundred dollars per annum; *provided*, in counties of this class, said horticultural commissioner may appoint as many inspectors as may be necessary for the performance of his duties, who shall be paid three dollars and fifty cents for each day of eight hours actually engaged in the performance of their duties. It is hereby found as a fact, that the changes provided for in this subdivision do not work an increase in the compensation of this office, and it is intended that the same shall apply immediately to the present incumbents. Horticul-
tural com-
missioner.

18. Health officer and county physician, twelve hundred dollars per annum; *provided*, that in counties of this class, there shall be and is hereby allowed one sanitary inspector, who shall also act as dairy inspector, and shall receive a salary of eighteen hundred dollars per annum, which salary shall include all his traveling expenses. Health
officer and
county
physician.

19. County veterinarian, nine hundred dollars per annum; *provided*, that in counties of this class, there shall be and is hereby allowed three deputies, who shall receive salaries of three hundred dollars each. The county veterinarian shall perform all duties required of him by law, and by the ordinances or orders of the board of supervisors. Veteri-
narian.

20. All officers shall be reimbursed by the county their actual expenses necessarily incurred by them in the performance of the duties required of them by law, except as otherwise provided herein. Expenses
allowed.

21. In counties of this class, grand jurors and trial jurors in criminal cases shall receive as compensation for each day's attendance on the grand jury, the superior court or justice court, the sum of three dollars per day, and for each mile actually and necessarily traveled from their residence in attending court or grand jury, in coming only, the sum of fifteen cents per mile; such mileage to be allowed but once during each session said jurors are required to attend. Fees,
jurors.

CHAPTER 650.

An act to amend section 4254 of the Political Code of California, relating to salaries of officers of counties of the twenty-fifth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4254 of the Political Code of California is hereby amended so as to read as follows:

Counties,
twenty-
fifth class,
salaries
of officers.

4254. In counties of the twenty-fifth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

County
clerk.

1. The county clerk, two thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy, who shall be appointed by the county clerk, and paid a salary of one thousand three hundred and twenty dollars per annum, in equal monthly installments; and one deputy clerk at a salary of nine hundred dollars per annum, to be paid in equal monthly installments; and one deputy at one hundred dollars per month, for thirty days next preceding each new register of voters required to be issued. The salaries of said deputy clerks to be paid at the same time, and in the same manner, and out of the same fund as the salary of the county clerk. And the clerk also to receive ten cents a name for each person registered, which shall be allowed by the board of supervisors of the county. Said fee to take effect January 1st, 1915. He shall also be allowed not to exceed ten deputies for the purpose of registering electors, who shall be paid not to exceed five cents for each elector registered. That any of such deputies as are required to work in the office shall receive not to exceed two dollars and fifty cents per day for the time so employed.

Sheriff.

2. The sheriff, five thousand dollars per annum, and fees, commissions, and mileage for the service of papers or process coming from courts other than those of his own county.

Recorder.

3. The recorder, one thousand six hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be collected; *and provided*, that when the amount of said fees collected shall exceed two hundred and fifty dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of two hundred and fifty dollars in any month so collected.

4. The auditor, one thousand six hundred dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum, and the fees and commissions now or hereafter allowed by law.

Tax
collector.

6. The tax collector, one thousand two hundred dollars per annum, and the fees and commissions now or hereafter allowed

by law; *provided*, that in counties of this class there shall be one tax collector who shall be appointed by the principal, and paid a salary of one hundred dollars per month at the same time, in the same manner, and out of the same fund as the salary of the tax collector.

7. The assessor, two thousand six hundred dollars per annum, Assessor. and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class there shall be allowed two deputies who shall be appointed by the assessor, one to receive a salary of one thousand three hundred and eighty dollars per annum and one to receive a salary of one thousand three hundred and twenty dollars per annum in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. It shall be the duty of said deputies, among other things, to make and correct all necessary plats, maps, and block books for the assessor's office; *provided, also*, that for each name upon the assessment roll, representing one or more statements in excess of four thousand five hundred, the assessor shall receive fifty cents.

8. The district attorney, two thousand two hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, two thousand dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expenses shall not exceed the sum of five hundred dollars in any one year. He shall receive nothing for his services as a member of the board of education. The superintendent of schools shall be allowed one deputy, to be appointed by the principal, which said deputy shall be allowed a salary of one thousand and twenty dollars per annum, to be paid at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid. Superintendent of schools.

12. The surveyor shall receive three thousand dollars per annum, and in addition thereto, all actual traveling and other necessary expenses, incurred in connection with field work. He shall have one deputy at a salary of fifteen hundred dollars per annum; said deputy to be appointed by the principal, and paid at the same time, and in the same manner as other county officers. It shall be the duty of the surveyor among other things, to make all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings; *provided, however*, that when in the judgment of the board of supervisors of the county, it is necessary to employ additional assistance for the performance of said work, other than with regard to roads, the board of supervisors may allow the necessary actual expense thereof. Also to prepare all maps or plats necessary to accompany reports made by him on road work, and prepare and keep all the necessary and proper Surveyor.

records in his office; *provided*, he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping the proper records in his office. He shall at all times be subject to the orders of the board of supervisors. The office of the county surveyor shall be kept open for the accommodation of the public, with the surveyor, a deputy, or a competent clerk in charge from nine o'clock a. m. until five o'clock p. m., the same as other county offices. The county surveyor shall be allowed the services of a competent clerk, to be appointed by the principal, and receive a salary of sixty dollars per month, to be paid out of the same fund, at the same time and in the same manner as other county officers are paid. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for services other than for the county, shall be paid into the county treasury.

Townships,
how class-
fied.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by multiplying the said total number of registered voters by three; townships having a population of ten thousand and more shall belong to and be known as townships of the first class; townships having a population of seven thousand and less than ten thousand shall belong to and be known as townships of the second class; townships having a population of three thousand and less than seven thousand shall belong to and be known as townships of the second [third] class; townships having a population of one thousand and less than three thousand shall belong to and be known as townships of the fourth class; townships having a population of less than one thousand shall belong to and be known as townships of the fifth class; *provided*, that the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one.

Justices of
the peace.

13a. Justices of the peace shall receive the following monthly salaries, to be paid each month as county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: in townships of the first class, ninety dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, fifty dollars per month; in townships of the fourth class, thirty dollars per month; in townships of the fifth class twenty dollars per month; in addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use, such fees as are now and may hereafter be allowed by law, for all services rendered by him in civil cases. Each justice must pay into the county treasury once a month all fines collected by him. Justices of the peace of the first class are required to keep their offices open from nine o'clock a. m.

until five o'clock p. m. All justices shall be allowed not to exceed five dollars per month for office rent. These salaries shall also apply to incumbents.

14. Constables shall receive the following monthly salaries, ^{Con-}
^{stab-}
^{les.} to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: in townships of the first class, ninety dollars; in townships of the second class, eighty dollars; in townships of the third class, eighty dollars; in townships of the fourth class, fifty dollars; in townships of the fifth class, thirty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now allowed or may hereafter be allowed by law, for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury; *provided, further*, that when a constable is required to go out of his own county to serve a warrant of arrest or any other papers in a criminal case, he shall be allowed mileage outside of his own county at the rate of twenty cents per mile, necessary travels, for one way only. These salaries shall also apply to incumbents.

15. Supervisors shall receive the sum of seven hundred and twenty dollars per annum, each, and mileage at the rate of ten cents per mile for each mile traveled in coming to and from the meetings of the board; *provided*, that only one mileage at any one session of the board shall be allowed. They shall act as road commissioners in their respective districts, and shall therefor receive for their services as such road commissioners, mileage at the rate of twenty cents per mile each, one way, for all distances actually traveled by them in the discharging of their duties as such road commissioners; *provided*, that said mileage as road commissioners shall not exceed the sum of three hundred dollars for any one of the commissioners.

16. Witnesses in criminal cases and in cases of dependent and delinquent persons shall receive two dollars per day, and ten cents per mile for each mile actually traveled, one way only. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed. ^{Fees,}
^{witnesses.}

17. Jurors in a county of this class, both grand and petty jurors in the superior court, shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat in going only, the sum of twenty cents per mile, such mileage to be allowed but once during each session, such jurors are required to attend. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same. ^{Fees,}
^{JURORS.}

CHAPTER 651.

An act to amend section 4262 of the Political Code, relating to salaries of officers and fees and mileage of jurors in counties of the thirty-third class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

Counties,
thirty-
third class,
salaries
of officers.

SECTION 1. Section 4262 of the Political Code is hereby amended to read as follows:

County
clerk.

4262. The county clerk two thousand four hundred dollars per annum; *and provided*, that in each year in which a new and complete registration of voters is required by law, he shall receive the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county; *provided, further*, that in counties of this class there shall be and is hereby allowed the county clerk a deputy county clerk, who shall be appointed by the county clerk and who shall be paid a salary of one hundred dollars per month; *and provided, further*, that there shall be and is hereby allowed to the county clerk an additional deputy county clerk who shall be appointed by the county clerk and be paid a salary of seventy-five dollars per month, said salaries of said deputy county clerks to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

Sheriff.

SEC. 2. The sheriff, five thousand dollars per annum, and necessary expenses for pursuing criminals or transacting any criminal business; *provided*, that in counties of this class there shall be and is hereby allowed the sheriff, one deputy, whose office is hereby created, who shall be a jailer, at a salary of twelve hundred dollars per year and who shall be appointed by the sheriff. The salary of said deputy herein provided for shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Recorder.

SEC. 3. The recorder, twenty-four hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, who shall be appointed by the recorder, and be paid a salary of fifty dollars per month; *and provided, further*, that said recorder shall be allowed two additional copyists, who shall be appointed by the recorder and paid a salary of fifty dollars per month, which said salary paid to said copyists to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder is paid.

Auditor.

SEC. 4. The auditor, twenty-four hundred dollars per annum; *provided*, that in counties of this class there shall be

and is hereby allowed to the auditor one deputy, which office is hereby created. at a salary of six hundred dollars per annum, and who shall be appointed by the auditor. The salary of said deputy herein provided for shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

SEC. 5. The treasurer, twenty-four hundred dollars per annum.

SEC. 6. The tax collector, two thousand dollars per annum; ^{Tax collector.} *provided*, that in counties of this class, there shall be and is hereby allowed to the tax collector a deputy tax collector to be appointed by said tax collector and to hold office during the months of October, November, December, March, April, May, June, July, August, and September of each year, who shall be paid a salary of fifty dollars per month, said salary to be paid in monthly installments during said months, at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *and provided, further*, that in counties of this class there shall be and there is hereby allowed to the tax collector an additional deputy tax collector, who shall be appointed by the tax collector and who shall hold office during the months of August, September, October and November of each year and who shall be paid a salary of fifty dollars per month, said salary to be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

SEC. 7. The assessor, three thousand six hundred dollars ^{Assessor.} per annum. The assessor shall also be allowed the following deputies who shall be appointed by the assessor, at such time or times as said assessor shall see fit, and shall be paid salaries as follows: said salaries of said deputies to be paid out of the same fund and in the same manner and at the same time as the salary of the assessor is paid, to wit: one chief deputy assessor at a salary of one hundred and fifty dollars per month; one deputy assessor at a salary of one hundred and ten dollars per month; one deputy assessor for the term of eight months at a salary of seventy-five dollars per month; four deputy assessors for a period of three months at a salary of one hundred and twenty-five dollars per month; six deputy assessors for a period of two months at a salary of one hundred and twenty-five dollars per month.

SEC. 8. The district attorney, the sum of twenty-four hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney one stenographer, which office is hereby created. at a salary of seven hundred and twenty dollars per annum and who shall be appointed by the district attorney, the salary of said stenographer herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid. ^{District attorney.}

SEC. 9. The coroner, such fees as are now or may hereafter be allowed by law.

SEC. 10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent
of schools.

SEC. 11. The superintendent of schools, two thousand dollars per annum; and shall also be allowed the compensation provided by law for services on the board of education, and shall be allowed his actual traveling expenses when visiting schools in his county; *and provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools, a deputy superintendent of schools, to be appointed by the superintendent of schools and be paid a salary of one thousand dollars per year, payable in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent is paid.

Surveyor.

SEC. 12. The surveyor, such fees as are now or may hereafter be allowed by law; *provided*, the surveyor shall annually revise the plats in the office of the assessor, for which he shall receive a sum not to exceed two hundred dollars in any one year.

Townships,
how class-
fied.

SEC. 13. For the purpose of regulating the compensation of justices of the peace and constables, townships in counties of this class are hereby classified according to population, said population to be determined by the board of supervisors at the enactment of this act and at the time of the formation of any new judicial township or townships, in the following manner; by appointing a suitable person in each township to take said census and said census shall be taken by the person so appointed of all the inhabitants of said township, the full name of each person shall be fully written, the names alphabetically arranged and numbered in one complete series and when completed shall be verified before any officer authorized to administer oaths, and to file the same with the county clerk and thereupon the same shall be the official census of said township. Townships having a population of thirty-five hundred or more shall belong to and be known as townships of the first class. Townships having a population of less than thirty-five hundred and more than two thousand shall belong to and be known as townships of the second class. Townships having a population of less than two thousand shall belong to and be known as townships of the third class. Justices of the peace shall receive the following salaries for all services rendered by them in criminal cases, payable monthly and in the same manner as county officers are paid. In townships of the first class, one hundred and fifty dollars per month. In townships of the second class, one hundred dollars per month. In townships of the third class, forty dollars per month.

Justices of
the peace.

Con-
stables.

SEC. 14. Constables in counties of this class shall receive the following salaries for all services rendered by them in criminal cases, payable monthly and in the same manner as county officers are paid. In townships of the first class, one hundred dollars per month. In townships of the second class,

seventy-five dollars per month. In townships of the third class, forty dollars per month. Constables shall also receive for their own use and benefit, such fees as are now or may hereafter be allowed by law in civil cases. They shall also be allowed their actual expenses in conveying prisoners from place of arrest to court and in case of conviction, from the court to the county jail.

SEC. 15. Supervisors, each, the sum of six hundred dollars per annum for all services performed by them as supervisors and members of the board of equalization. Each supervisor shall receive mileage at the rate of ten cents per mile for each mile traveled in going to and from the meeting of the board. They shall act as road commissioners in their respective districts and shall receive for the service of such road commissioner, mileage at the rate of twenty-five cents per mile for all distances actually traveled by them in discharge of their duty as such road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of six hundred dollars for any one of the road commissioners.

Supervisors.

SEC. 16. In counties of this class the official reporter of the superior court shall receive such fees as are now or may hereafter be allowed by law.

Reporter.

SEC. 17. The purchasing agent employed by the supervisors, which office is hereby created, shall receive a salary of fifteen hundred dollars per annum, payable in equal monthly installments out of the general fund of the county; *and provided, further*, that said purchasing agent so employed by the board of supervisors shall be allowed the sum, not to exceed two hundred dollars in any one year, for traveling expenses.

Purchasing agent.

SEC. 18. Juror fees shall be as follows: For attending as a grand juror or a trial juror in the superior court, for each day's attendance, three dollars per day; for each mile he travels in attending court as such juror, fifteen cents per mile in going only. The compensation allowed each officer above enumerated shall be in full payment for all services performed by them.

Fees, jurors.

CHAPTER 652.

An act to amend section 4252 of the Political Code of the State of California, relating to salaries and compensation of the county and township officers of counties of the twenty-third class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4252 of the Political Code is hereby amended to read as follows:

4252. In counties of the twenty-third class, the county and township officers shall receive as compensation for services

Counties, twenty-third class, salaries of officers.

required of them by law, or by virtue of their office, the following salaries, to wit:

County clerk.

1. The county clerk, three thousand dollars per annum; *provided*, that he shall have power to appoint one deputy, which office is hereby created, at a salary of twelve hundred dollars per annum, payable at the same time and in the same manner as that of other county officers; *and further provided*, that he shall have power to appoint one deputy, which office is hereby created, at a salary of nine hundred dollars per annum, payable at the same time and in the same manner as that of other county officers; *and further provided*, that in any year that the compilation of a great register is required by law to be made he shall receive six hundred dollars additional for said year, which shall be in full for all services required in registering voters and making such new great register. The county clerk shall also receive and retain for his own use and benefit, fees and commissions which now are, or which may hereafter be allowed by law.

Sheriff.

2. The sheriff, three thousand and five hundred dollars per annum; *provided*, that he shall have power to appoint two (2) deputies, which offices are hereby created, one at a salary of twelve hundred dollars per annum, and one at a salary of nine hundred dollars per annum, payable at the same time and in the same manner as that of other county officers. The sheriff shall also receive and retain for his own use and benefit, all the fees or commissions and mileage which are now or may hereafter be allowed by law, for the service of all papers issued in civil cases, by any court of this state, and also all expenses actually paid by him in the pursuit of criminals, or in the transacting of criminal business within his county.

Recorder.

3. The recorder, three thousand and six hundred dollars per annum; *provided*, that he shall have the power to appoint one deputy, which office is hereby created, at a salary of nine hundred dollars per annum, payable at the same time and in the same manner as that of other county officers.

Auditor.

4. The county auditor, two thousand and four hundred dollars; *provided*, that he shall have the power to appoint one (1) deputy, which office is hereby created, at a salary of nine hundred dollars per annum, payable at the same time and in the same manner as other county officers.

Treasurer.

5. The treasurer, two thousand and four hundred dollars per annum; *provided*, that he shall have power to appoint one deputy, which office is hereby created, at a salary of nine hundred dollars per annum, payable at the same time and in the same manner as that of other county officers.

Tax collector.

6. The tax collector, twenty-four hundred dollars per annum; *provided*, he shall have power to appoint one deputy, which office is hereby created, at a salary of nine hundred dollars per annum, payable at the same time and in the same manner as that of other county officers.

Assessor.

7. The assessor, four thousand two hundred dollars per annum; *provided*, that he shall have power to appoint one

deputy, which office is hereby created, at a salary of nine hundred dollars per annum, payable at the same time and in the same manner as that of other county officers; and said assessor shall also receive the commissions on the amount of poll and personal property tax as is provided in and by section 4290 of the Political Code of the State of California.

8. The district attorney, two thousand and four hundred dollars per annum, and his actual traveling expenses when prosecuting criminals within the county; *provided*, that he shall have power to appoint two deputies, which offices are hereby created, one at a salary of \$1200.00 and one at a salary of nine hundred dollars. District attorney.

9. The coroner, such fees as are now or may hereinafter be allowed by law.

10. The public administrator, such fees as are now or may hereinafter be allowed by law.

11. The superintendent of schools, two thousand four hundred dollars per annum, and his actual traveling expenses when visiting the schools of his county; *provided*, that he shall have the power to appoint one deputy, which office is hereby created, at a salary of nine hundred dollars per annum, payable at the same time and in the same manner, as that of other county officers; but he shall receive no extra compensation for his services on the board of education, or otherwise. Superintendent of schools.

12. The surveyor, one thousand three hundred dollars per annum, for all work performed for the county, and in addition thereto, his actual necessary traveling expenses incurred in connection with field work and cost of preparing maps, plats, tracings, etc., for the assessor when directed by him. Surveyor.

13. The justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of the county officers are paid, which shall be paid in full for all services rendered by them: (1) in townships having a population of five thousand or more, one hundred twenty-five dollars per month; *provided*, that where there is now or may be hereafter created in such township, more than one justice of the peace, the monthly salary of said two justices shall each be one hundred dollars per month; (2) in townships having a population of twenty-five hundred and less than five thousand, sixty-five dollars per month; (3) in townships having a population of fifteen hundred and less than twenty-five hundred, fifty-five dollars per month; (4) in townships having a population of one thousand and less than fifteen hundred, forty-five dollars per month; (5) in townships having a population of five hundred and less than one thousand, thirty-five dollars per month; (6) and in townships having a population of less than five hundred, thirty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him. Justices of the peace.

14. The constables shall receive the following salaries to be paid each month as salaries of the county officers are paid, Constables.

which shall be in full for all services rendered by them in criminal cases and in all other criminal matters: (1) in townships having a population of five thousand or more, seventy dollars per month; (2) in townships having a population of twenty-five hundred, and less than five thousand, fifty dollars per month; (3) in townships having a population of fifteen hundred or less than twenty-five hundred, forty dollars per month; (4) in townships having a population of one thousand and less than fifteen hundred, thirty-five dollars per month; (5) in townships having a population of five hundred and less than one thousand, thirty dollars per month; (6) in townships having a population of less than five hundred, twenty-five dollars per month; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses in his own district, for the service of a warrant of arrest or any other process in a criminal case, or other criminal matters (when such service is in fact, made) both going and returning, ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest in the services or process five cents per mile, and for transporting persons to the county jail, ten cents per mile each way. In addition to the monthly salary allowed him herein each constable shall receive for his own use, the fees in civil cases, which are now or may hereafter be allowed by law.

Super-
visors.

15. The supervisors, each the sum of eight dollars per day for actual services rendered (but not to exceed nine hundred dollars per annum) and twenty cents per mile for all distances actually traveled, in the performance of his duty as road commissioner, not to exceed two hundred dollars per annum, together with mileage at the rate of twenty cents per mile, in going only, from his place of residence to the county seat at each session of the board.

Popula-
tion of
judicial
townships,
how ascer-
tained.

16. For the purposes of subdivisions thirteen and fourteen of this section, the population of several judicial townships shall be ascertained and determined by the board of supervisors by multiplying by three and one half the vote cast for presidential electors in each township at the next preceding election therefor.

CHAPTER 653.

An act to amend section 4244 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifteenth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4244 of the Political Code of the State of California is hereby amended to read as follows:

4244. In counties of the fifteenth class, the county and township officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Counties,
fifteenth
class,
salaries
of officers.

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is allowed to the county clerk, the following clerks, deputies and employes who shall be appointed by the county clerk and shall be paid salaries as follows: two deputies at a salary of one hundred twenty-five dollars per month each; one deputy at a salary of seventy-five dollars per month, and one stenographer and one copyist at a salary of sixty dollars per month each. County
clerk.

2. The sheriff shall receive five thousand dollars per annum; and there shall be and there is hereby allowed to the sheriff, one deputy, who shall be appointed by the sheriff and shall be paid a salary of one thousand five hundred dollars per annum. Sheriff.

3. The recorder, two thousand five hundred dollars per annum, and there shall be and there is hereby allowed to the county recorder two deputies who shall be appointed by the recorder and shall be paid a salary of seven hundred and fifty dollars per annum each. The recorder shall collect and pay into the county treasury the fees required by law; *provided* that whenever the amount of the fees so collected in any one month shall exceed the sum of four hundred dollars, the recorder may in addition to his salary, retain for his own use, one half of all such excess. Recorder.

4. The auditor shall receive two thousand seven hundred dollars per annum, and there is hereby allowed to the auditor two deputies who shall be appointed by the auditor, one who shall be paid ten hundred eighty dollars per annum, and one who shall be paid sixty dollars per month, from August 15th to October 15th inclusive of each year; *and it is hereby further provided*, that if the board of supervisors in any year shall act, order or direct the auditor to prepare and compile its annual statistical report, and on so performing such services and in that event, be allowed the further sum of three hundred dollars payable upon the completion and acceptance of said report. Auditor.

5. The treasurer shall receive two thousand four hundred dollars per annum.

6. The tax collector shall receive two thousand eight hundred dollars per annum; and there shall be and there hereby is allowed to the tax collector, one deputy who shall be appointed by the tax collector and shall receive a salary of one hundred dollars per month. Tax
collector.

7. The license collector shall receive ten per cent of all licenses collected by him.

8. The assessor shall receive four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is allowed to the assessor the following deputies, clerks and assistants to be appointed by said assessor. Assessor.

which positions are hereby created and the salaries of which are hereby fixed as follows: one chief deputy assessor, eighteen hundred dollars per annum; one office deputy assessor, seven hundred twenty dollars per annum; eight field deputy assessors for not exceeding four months in every one year, one hundred twenty-five dollars each per month; four field deputy assessors for not exceeding three months in every one year, one hundred twenty-five dollars per month; three copyists for not exceeding three months in any one year, eighty dollars per month; and such additional assistants as the assessor may require, and whose compensation shall not in the aggregate, exceed the sum of fifteen hundred dollars per annum, said additional assistants to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim or claims therefor. Said assessor may employ such assistants as may be necessary in making maps, plats and drawings essential for the use in the assessor's office in the performance of his duty, and the expense thereof shall be a charge against the county. It is hereby further provided that the said assessor shall retain no commission for the collection of personal property taxes, state poll taxes or road poll tax, but that all such claims shall be paid into the county treasury and become the property of the county.

District
attorney.

9. The district attorney shall receive three thousand six hundred dollars per annum, and said district attorney while in receipt of said salary shall be disqualified from engaging in the practice of law in any and all of the courts of this state, in any action or cause wherein the county in which he is elected and serves or the State of California is not a party or parties; and there is hereby allowed to the district attorney one deputy to be appointed by him who shall receive a salary of eighteen hundred dollars per annum, and one stenographer who shall receive a salary of four hundred dollars per annum.

10. The coroner shall receive such fees as are now, or may hereafter be allowed by law.

11. The public administrator shall receive such fees as are now, or may hereafter be allowed by law.

Superin-
tendent
of schools.

12. The superintendent of schools, two thousand five hundred dollars per annum; and there shall be and there is hereby allowed to the superintendent of schools, one deputy, who shall be appointed by the superintendent of schools, and shall be paid a salary of nine hundred dollars per annum.

Surveyor.

13. The surveyor shall receive two thousand dollars per annum, and necessary traveling expenses while in the performance of the duties of his office.

Super-
visor.

14. Each supervisor twelve hundred dollars per annum, and mileage at twenty cents per mile, for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed, in any one year, the sum of one thousand dollars.

Reporter.

15. The official shorthand reporter shall receive two thousand dollars per annum for the department of the superior court to which he has been appointed. Whenever one reporter

shall be appointed to, and shall perform the duties required of the official shorthand reporter, for more than one department of said superior court he shall receive a salary therefor of two thousand five hundred dollars per annum. In addition thereto, he shall receive for transcribing notes, the sum of ten cents per folio, for the original, and five cents per folio for all copies thereof.

16. In townships having a population of seven thousand or over, two justices of the peace shall be elected, and each shall receive a salary of one hundred and twenty-five dollars per month. In townships having a population less than seven thousand and over four thousand there shall be but one justice of the peace elected and he shall receive a salary of fifty dollars per month. In all other townships there shall be but one justice of the peace who shall receive a salary of twenty dollars per month. All justices in counties of this class shall collect in civil cases only, the following fees, to wit:

(1) For all services before trial or entry of judgment, by default or confession, two dollars and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

(2) For the trial of civil actions and all proceedings subsequent thereto, three dollars.

(3) For certificate and transmitting papers and transcript on appeal, one dollar.

(4) For copies of papers on docket per folio, ten cents.

(5) For issuing a search-warrant, the fee to be paid by the party demanding the same, one dollar.

(6) For celebrating a marriage, and returning a certificate thereof to the county recorder, five dollars.

(7) For taking an acknowledgment of an instrument, for the first name fifty cents, and for each additional name twenty-five cents.

(8) For administering an oath, and certifying the same, fifty cents.

(9) For issuing a commission to take testimony, one dollar.

(10) For all services connected with the posting of estrays, one dollar.

(11) For issuing each affidavit, certificate, process, writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

(12) For taking bail in all proceedings, pending before another magistrate, fifty cents.

All such fees collected by such justice before January 4th, 1915, shall be retained by him as an addition to his salary; and all collected on or after said date shall be paid into the general fund of the county treasury.

17. In townships having a population of seven thousand or over, two constables shall be elected and each shall receive a salary of forty dollars per month. In townships having a population less than seven and over four thousand, there shall be but one constable elected, and he shall receive a salary of

Con-
stables

twenty-five dollars per month. In all other townships there shall be but one constable who shall receive twenty dollars per month. All constables in addition to the salaries above provided for, shall receive and collect, for their own use and benefit, in civil cases only, the following fees, to wit:

(1) For serving summons and complaint, for each defendant served, fifty cents.

(2) For each copy of summons made by him, twenty-five cents.

(3) For levying writ of attachment or execution, or executing an order of arrest, in a civil case or for delivery of personal property, two dollars.

(4) For serving a writ of attachment or execution on any ship, boat, or vessel, three dollars.

(5) For keeping personal property, such sum as the court may order, but no more than two dollars fifty cents per day, for a keeper, when necessarily employed.

(6) For taking a bond or undertaking, one dollar.

(7) For copies of writs or other papers, except summons, complaints, and subpoenas, per folio fifteen cents; *provided*, that when correct copies are furnished him for use, no charges shall be made for such copies.

(8) For serving any writ, notice or order, except summons, complaint, or subpoena, for each persons [person] served, fifty cents.

(9) For writing and posting each notice of sale of property, fifty cents.

(10) For furnishing notice of publication, twenty-five cents.

(11) For serving subpoenas, each witness including copy, fifty cents.

(12) For collecting money on execution two and one half per cent.

(13) For executing and delivering certificate of sale, fifty cents.

(14) For executing and delivering constable's deed, two dollars and fifty cents.

(15) For each mile actually traveled within his county in the service of any civil suit, order, or paper, in going only, per mile, twenty-five cents. No constructive mileage shall be allowed.

(16) For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents; and the actual cost of the transportation of the prisoner or prisoners from the place of arrest to the justice court, and the necessary expense of assistance; *provided*, that for traveling in performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

(17) For each mile necessarily traveled outside his county in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.

(18) For transporting prisoners to the county jail, from the

justices' court or from the county jail to the justices' court, the actual cost of transportation and assistance, and mileage at twenty-five cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged. Con-
stables.

(19) For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars fifty cents, and for necessary expense of maintenance and assistance in keeping said prisoners.

(20) For summoning a jury in a civil case, twenty-five cents for each of the persons so summoned, and mileage at the rate of twenty-five cents per mile, going only.

(21) For attending court during the trial of a civil cause, per day, three dollars.

(22) For making sales of estrays in civil cases, the same fees as for sales on execution.

(23) For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupants therefrom three dollars per day, and mileage at twenty-five cents per mile, going only.

(24) The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

18. The fees of grand jurors and trial jurors in the superior courts of said counties of the fifteenth class, in civil and criminal cases shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for. Fees,
jurors,
superior
courts

19. The fees of jurors in justices' courts in civil and criminal cases, shall be two dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court in going only; in criminal cases such fees and mileage of said trial jurors in the justices' courts shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said jury was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payments of the fees herein provided for. Fees,
jurors,
justices'
court

20. All salaries provided for in this article shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid. Salaries
and fees,
how paid.

CHAPTER 654.

An act to amend section 4278 of the Political Code of the State of California relating to the compensation of officers of counties of the forty-ninth class.

[Approved June 18, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

Counties,
forty-ninth
class,
salaries
of officers.

SECTION 1. In counties of the forty-ninth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

County
clerk.

1. The county clerk, eighteen hundred dollars per annum; *provided*, that in counties of this class the county clerk shall be allowed a copyist, who shall be appointed by the county clerk and paid the salary of seventy-five dollars per month; said salary to be paid at the same time, in the same manner and out of the same fund as the salary of the county clerk; *and provided, further*, that in counties of this class, during the years when the compilation of a great register is required by law, the county clerks of the county shall be allowed the sum of ten cents per name for each affidavit legally taken for registration; said sum to be allowed and paid to said county clerks by the board of supervisors as other county charges are allowed and paid.

Recorder.

2. The sheriff, twenty-five hundred dollars per annum.
3. The recorder, one thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist who shall be appointed by the recorder, and paid the salary of seventy-five dollars per month; said salary to be paid by the said county in monthly installments, at the time and in the same manner and out of the same fund as the salary of the recorder is paid.

4. The auditor, six hundred dollars per annum.

5. The treasurer, fifteen hundred dollars per annum.

Tax
collector.

6. The tax collector, twelve hundred dollars per annum, and ten per cent on all licenses collected by him as license collector; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector an assistant for the months of April, October and November, who shall be appointed by the tax collector and paid the salary of seventy-five dollars per month for said above-named months, said salary to be paid by the said county in monthly installments, at the time and in the same manner, and out of the same fund as the salary of the tax collector is paid.

Assessor.

7. The assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month for not exceeding four months in any calendar year, said salary to be paid by said county in monthly

installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum and actual traveling expenses when visiting the schools of his county, and the sum of five dollars per day for each day's services on the board of education; said sum, together with the traveling expenses, to be allowed and paid the same as other county charges are allowed and paid.

Superintendent of schools.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them; in townships having a population of more than one thousand, fifty dollars per month; in townships having a population of more than five hundred and less than one thousand, twenty-five dollars per month; in townships having a population of less than five hundred, ten dollars per month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of the state and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business.

Justices of the peace.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Each member of the board of supervisors to receive a flat rate of eight hundred dollars per annum, in full for all services.

Supervisors.

16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said courts, and for preliminary examinations in justices' courts, and at coroners' inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his

Reporter.

actual traveling expenses when reporting outside of the county seat.

Fees,
jurors.

17. For attending as a grand juror or as a trial juror in the superior court, in criminal cases, four dollars per day for each day's attendance. For each mile actually traveled in attending upon the superior court, in going only, per mile, twenty-five cents; *provided*, that in counties of this class the grand jurors and trial jurors in criminal cases shall be paid warrants drawn by the county auditor, issued upon the order of the court, or judge thereof.

CHAPTER 655.

An act to amend section 4233 of the Political Code of the State of California relating to officers and salaries in counties of the fourth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4233 of the Political Code of the State of California is hereby amended to read as follows:

Counties,
fourth
class.
salaries
of officers.
County
clerk.

4233. In counties of the fourth class, county officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

1. The county clerk, thirty-six hundred (3600) dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy county clerk who shall act as clerk of the probate department, who shall receive a salary of eighteen hundred (1800) dollars per annum; also one deputy county clerk to act as clerk to the board of supervisors, who shall receive a salary of eighteen hundred (1800) dollars per annum; also one deputy county clerk who shall be the registrar of voters and who shall receive a salary of fifteen hundred (1500) dollars per annum; also one deputy county clerk who shall serve as general office clerk who shall receive a salary of fifteen hundred (1500) dollars per annum; also three deputy county clerks who shall serve as clerks of the several departments of the superior court who shall receive a salary of thirteen hundred and eighty (1380) dollars per annum each; also one deputy county clerk who shall serve as desk clerk, who shall receive a salary of thirteen hundred and eighty (1380) dollars per annum; *provided, however*, that the county clerk shall not be allowed the additional deputy provided by section 4290 of the Political Code of the State of California; also one deputy county clerk who shall be "copyist in the probate department," who shall receive a salary of ten hundred and twenty (1020) dollars per annum; the deputies herein provided for shall be appointed by the clerk of said county and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk; *provided, further*, that in such years as the compilation of a

great register of voters is required by law to be made the said clerk may appoint two deputies who shall serve for a term of twelve months, who shall each receive a salary of eighty-five (85) dollars per month, to be paid as are other deputies herein provided for; two deputies who shall serve for a term of eight months who shall each receive a salary of eighty-five (85) dollars per month, to be paid as are other deputies herein provided for; and two deputies who shall serve for a term of six months who shall each receive a salary of eighty-five (85) dollars per month, to be paid as are other deputies herein provided for; also one additional deputy in each voting precinct in the county, outside of the corporate limits of municipalities containing twenty-five thousand (25,000) or more inhabitants, for the purpose of registering electors in such precincts, who shall be paid ten (10) cents per name for each elector legally registered by them; *provided*, that said county clerk may be allowed the actual and necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived, including fees allowed by the government of the United States of America in all matters pertaining to the naturalization of aliens.

2. The sheriff, four thousand (4,000) dollars per annum; Sheriff. *provided*, that there shall be and there hereby is allowed to the sheriff one under-sheriff whose salary is hereby fixed at the sum of eighteen hundred (1800) dollars per annum; also two deputies who shall each receive a salary of thirteen hundred and eighty (1380) dollars per annum; also six deputies who shall each receive a salary of twelve hundred (1200) dollars per annum; also one deputy who shall act as matron of the county jail who shall receive a salary of nine hundred (900) dollars per annum. The under-sheriff and deputies herein provided for shall be appointed by the sheriff and paid at the same time and in the same manner and out of the same funds as is the salary of the sheriff; *provided*, that said sheriff shall be allowed the actual and necessary expenses incurred in the performance of his official duties. He shall pay into the county treasury all fees and mileage collected by him for the service of papers or process issued by any court of this state.

3. The county recorder, thirty-six hundred (3600) dollars Recorder. per annum, and said recorder may appoint one deputy recorder who shall receive a salary of eighteen hundred (1800) dollars per annum; one deputy recorder who shall receive a salary of twelve hundred (1200) dollars per annum; also eight deputy recorders who shall receive a salary of nine hundred (900) dollars per annum each. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same funds as the county recorder; *provided*, that such recorder may be allowed the actual and necessary expenses incurred by him in the performance of his official duties and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Auditor. 4. The county auditor, thirty-six hundred (3600) dollars per annum, and said auditor may appoint one deputy auditor who shall receive a salary of eighteen hundred (1800) dollars per annum; *provided*, that for the purpose of performing the work imposed upon him by law in connection with the annual assessment and collection of property taxes, the auditor may be allowed five additional deputies for a period of one month who shall each receive a salary of one hundred (100) dollars per month and four additional deputies for a period of two months who shall each receive a salary of one hundred (100) dollars per month. The deputies herein provided for shall be paid at the same time and in the same manner as is the county auditor; *provided*, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

Treasurer. 5. The county treasurer, thirty-six hundred (3600) dollars per annum, and said treasurer may appoint one deputy treasurer who shall receive a salary of eighteen hundred (1800) dollars per annum. All fees and commissions collected by him in his official capacity shall be paid into the county treasury; *provided*, that the county treasurer shall be entitled to retain for his own use the fees which are now or which may hereafter be allowed by the state law for the collection and payment to the state treasurer of inheritance taxes. Whenever the fees received on account of any one estate paying inheritance taxes shall exceed the sum of two hundred (200) dollars such excess shall be by the county treasurer paid into the county treasury as in the case of fees received by him from other sources. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the county treasurer.

Tax collector. 6. The tax collector, thirty-six hundred (3600) dollars per annum, and said tax collector may appoint one deputy tax collector who shall receive a salary of eighteen hundred (1800) dollars per annum; one additional deputy tax collector who shall receive a salary of fifteen hundred (1500) dollars per annum; also seven additional deputy tax collectors to serve as such only for a period of two and one half months in each year, and who shall receive a salary of one hundred (100) dollars each per month; also three additional deputy tax collectors who shall serve as such only during two months of each year and who shall receive a salary of one hundred (100) dollars each per month; also nine copyists who shall serve only during one and one half months of each year, and shall each receive a salary of seventy-five (75) dollars per month. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the salary of the tax collector; *provided*, that said tax collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties, including the making and compiling of the necessary indices to the assessment roll, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

7. The license collector, fifteen per cent of the whole amount of license collected by him; *provided*, that the entire compensation of said license collector shall not exceed the sum of fifteen hundred (1500) dollars per annum. License collector.

8. The county assessor, thirty-six hundred (3600) dollars per annum; and said assessor may appoint one chief deputy assessor who shall receive a salary of sixteen hundred (1600) dollars per annum; two office deputy assessors who shall each receive a salary of fifteen hundred (1500) dollars per annum, also seventeen deputy assessors who shall serve as such during the months of March, April, May and June of each year, who shall each receive a salary of one hundred (100) dollars per month, also eight additional deputy assessors who shall serve as such only during the months of March, April, May, June and July of each year who shall each receive a salary of one hundred dollars per month, also one draughtsman at a salary of twelve hundred dollars per annum, and also seven copyists to serve as such only during four months of each year who shall receive a salary of one hundred (100) dollars each per month; *provided*, that the above salaries and compensations shall be in full for all services rendered by him as such assessor and that no commission for the collection of state or infirmity poll taxes or personal property taxes shall be retained by him but that all such commissions shall be paid into the county treasury. The deputies and copyists and draughtsman herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county assessor; *provided*, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. Assessor.

9. The district attorney, thirty-six hundred (3600) dollars per annum; he may appoint a chief deputy at a salary of twenty-four hundred (2400) dollars per annum; one assistant district attorney at a salary of eighteen hundred (1800) dollars per annum; one assistant district attorney at a salary of fifteen hundred (1500) dollars per annum; and a deputy district attorney at a salary of fifteen hundred (1500) dollars per annum; one detective who shall serve at a salary of fifteen hundred (1500) dollars per annum; *provided, however*, that no further or additional amounts shall be allowed for detective services without the previous consent and authorization of the board of supervisors, and a clerk at a salary of twelve hundred (1200) dollars per annum, all of whom shall be paid in the same manner as said district attorney; *provided*, that said district attorney shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. All fees and commissions collected by him shall be paid into the county treasury. District attorney.

10. The coroner and public administrator such fees as are now or may hereafter be allowed by law.

11. The county superintendent of schools, three thousand (3000) dollars per annum, and the said superintendent of Superintendent of schools.

schools may appoint a deputy superintendent of schools who shall receive a salary of twelve hundred (1200) dollars per annum and the said superintendent of schools shall also be paid his actual traveling expenses when visiting the schools of the county. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the superintendent of schools.

Surveyor. 12 The county surveyor, the sum of three thousand (3000) dollars per annum. Said surveyor may appoint the chief deputy surveyor who shall receive a salary of sixteen hundred (1600) dollars per annum, also one deputy who shall receive a salary of twelve hundred (1200) dollars per annum; and one deputy at nine hundred (900) dollars per annum. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for surveying other than for the county, shall be paid into the county treasury; *provided*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties, such salaries to be paid at the same time and in the same manner as the salaries of other county officers are paid.

Fish and game warden. 13. The fish and game warden, twelve hundred (1200) dollars per annum and the actual and necessary expenses incurred by him in the performance of his official duties, not to exceed fifty (50) dollars for any one month.

Super-
visors. 14. The board of supervisors may at any time grant such additional assistance, or pay for such additional employees or service as it deems necessary to perform any service required by or in connection with any of the foregoing county offices in counties of this class.

Justices of
the peace. 15. In counties of this class, justices of the peace shall be compensated as follows and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz:

(1) From and after the fourth day of January, A. D. one thousand nine hundred and fifteen, in townships having a population of twenty thousand or more, justices of the peace shall each receive a salary of two hundred and fifty (250) dollars per month as full compensation for all services rendered by them, except as hereinafter provided; *provided, however*, that in all such townships having a population of twenty thousand or more, there shall be two township justices of the peace in and for any such townships, and said justices shall each be allowed a clerk to be appointed by the justices of the peace at a salary of one hundred (100) dollars per month, each, payable monthly in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors.

(2) From and after the fourth day of January, A. D. one thousand nine hundred and fifteen, in townships having a

population of five thousand and less than twenty thousand, justices of the peace shall each receive a salary of one hundred and thirty-seven dollars and fifty cents (\$137.50) per month for all services rendered by them, except as hereinafter provided. Justices of
the peace.

(3) From and after the fourth day of January, A. D. one thousand nine hundred and fifteen, in townships having a population of forty-four hundred and less than five thousand, justices of the peace shall each receive a salary of one hundred and thirty-five (135) dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(4) From and after the fourth day of January, A. D. one thousand nine hundred and fifteen, in townships having a population of twenty-five hundred and less than forty-four hundred, justices of the peace shall each receive a salary of seventy-five (75) dollars per month as full compensation for all services rendered by them except as hereinafter provided.

(5) From and after the fourth day of January, A. D. one thousand nine hundred and fifteen, in townships having a population of one thousand and less than twenty-five hundred, justices of the peace shall each receive a salary of fifty (50) dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(6) From and after the fourth day of January, A. D. one thousand nine hundred and fifteen, in townships having a population of less than one thousand, justices of the peace shall each receive a salary of thirty (30) dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

Justices of the peace in all townships in counties of the fourth class shall be permitted to receive and retain for their own use, fees for celebrating marriages and returning certificates thereof, but all other fees shall be collected by them and by them paid into the county treasury at least once each month.

Until the fourth day of January, A. D. one thousand nine hundred and fifteen, the several justices of the peace in counties of the fourth class shall receive the salaries and fees fixed and allowed for such justices of the peace respectively by the provisions of this section (4233) as amended May 1, 1911, (chapter 670, Statutes of 1911).

15. In counties of this class constables shall be compensated as follows, and all salaries herein provided shall be paid in the same manner as the salaries of county officers are paid, viz: Con-
stabes.

(1) From and after the fourth day of January, A. D. one thousand nine hundred and fifteen, in townships having a population of twenty thousand or more, constables shall each receive a salary of one hundred (100) dollars per month for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and all other matters wherein they may charge fees for their services, a con-

Con-
stables.

stable may collect and retain for his own use as his compensation such fees as are now, or may hereafter be allowed by law.

(2) From and after the fourth day of January, A. D. one thousand nine hundred and fifteen, in townships having a population of five thousand and less than twenty thousand, constables shall each receive the sum of seventy-seven dollars and fifty cents (\$77.50) per month as a salary for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and in all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now or may hereafter be allowed by law.

(3) From and after the fourth day of January, A. D. one thousand nine hundred and fifteen, in townships having a population of forty-four hundred and less than five thousand, constables shall each receive the sum of seventy-seven dollars and fifty cents (\$77.50) per month as a salary for all services rendered by them in criminal cases, civil cases and in the performance of all other duties imposed upon them by law. All fees chargeable and collectible in both criminal cases, civil cases, and in all other cases wherein fees are chargeable by constables, they shall collect in advance and pay monthly into the county treasury.

(4) From and after the fourth day of January, A. D. one thousand nine hundred and fifteen, in townships having a population of twenty-five hundred and less than forty-four hundred, constables shall each receive the sum of sixty (60) dollars per month as a salary for all services rendered by them in both civil and criminal cases. All fees collected by them in civil and criminal cases shall be paid monthly by them into the county treasury. For all services performed by them, they may charge and retain for their own use such fees as are chargeable at law.

(5) From and after the fourth day of January, A. D. one thousand nine hundred and fifteen, in townships having a population of one thousand and less than twenty-five hundred, constables shall each receive the sum of forty (40) dollars per month as salary for all services rendered in both civil and criminal cases. All fees collected by them in civil and criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

(6) From and after the fourth day of January, A. D. one thousand nine hundred and fifteen, in townships having a population of less than one thousand, constables shall each receive the sum of thirty (30) dollars per month as a salary for all services rendered by them in civil and criminal cases. All fees collected by them in both criminal and civil cases shall be paid monthly into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law. Constables

shall be allowed all necessary expenses incurred in conveying prisoners. Until the fourth day of January, A. D. one thousand nine hundred and fifteen, the several constables in counties of the fourth class shall receive the salaries and fees fixed and allowed for such constables, respectively, by the provisions of this section (4233) as amended May 1, 1911, (chapter 670, Statutes 1911). The population herein referred to in classifying the townships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the federal census taken in the year 1910.

16. Each supervisor, two thousand four hundred (2400) ^{Super-} ^{visors.} dollars per annum and mileage of ten cents per mile for each mile actually traveled in going to and from their residence to the county seat or in the performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four mileages shall be allowed for each month and that the total mileage allowed shall not exceed five hundred dollars in any one calendar year; *provided*, that nothing in this subdivision shall be deemed to affect the compensation or mileage of any incumbent supervisor, but said incumbent shall be paid such compensation and allowed such mileage as is now provided and allowed by law.

17. The fees of grand jurors and trial jurors in the superior ^{Fees.} ^{Jurors.} courts of said counties of the fourth class, in civil and criminal cases shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriation for the payment of the fees herein provided for.

CHAPTER 656.

An act to amend section four thousand two hundred eighty-one of the Political Code of the State of California, relating to the compensation of officers of counties of the fifty-second class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred and eighty-one of the Political Code of the State of California is hereby amended to read as follows:

- Counties,
fifty-second class,
salaries
of officers.
4281. In counties of the fifty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:
1. The county clerk, two thousand four hundred dollars per annum.
- Sheriff.
2. The sheriff, to receive a flat salary of four thousand five hundred dollars per year, said officer to pay all expenses in running said office and to receive no mileage or fees in criminal cases.
3. The recorder, one thousand six hundred dollars per annum.
4. The auditor, five hundred dollars per annum.
5. The treasurer, one thousand six hundred dollars per annum.
6. The tax collector, five hundred dollars per annum, and ten per cent of all licenses collected by him as license collector.
- Assessor.
7. The assessor, three thousand dollars per annum in full compensation for all services, save and except that he be allowed a deputy for four months, beginning with March first and ending with June thirtieth, of each year, at a compensation of seventy-five dollars per month; the salary of said deputy to be paid by the county.
8. The district attorney, two thousand four hundred dollars per annum.
9. The coroner, such fees as are now or may hereafter be allowed by law.
10. The public administrator, such fees as are now or may hereafter be allowed by law.
- Superintendent
of schools.
11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
12. The surveyor, such fees as are now or may hereafter be allowed by law.
- Justices of
the peace.
13. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time, and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them. In townships having a population of more than one thousand, fifty dollars per month; in townships having a population of more than five hundred and less than one thousand, twenty-five dollars per month; in townships having a population of less than five hundred, ten dollars per month; *provided, however*, that the justice of the peace residing at the county seat shall in any event receive the amount of fifty dollars per month. The board of supervisors of such county shall furnish and supply to the justices of the peace of the various townships in such counties the codes of the state and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business.
14. Constables, such fees as are now or may hereafter be allowed by law.

15. Each member of the board of supervisors, one thousand dollars per annum, and mileage from residence to county seat, at each sitting of the board, at twenty-five cents per mile; which said salary and mileage shall be in full for all services. Super-
visors.

16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts and coroners' inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents for the original and five cents per folio for one copy; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat. Reporter.

17. Grand jurors, and jurors in the superior court in criminal cases, shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in going only while acting as such jurors, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same. Fees,
jurors.

CHAPTER 657.

An act to amend section 4256 of the Political Code of the State of California, relating to compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4256 of the Political Code of the State of California is hereby amended to read as follows:

4256. In counties of the twenty-seventh class, the officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Counties,
twenty-
seventh
class.
salaries
of officers.

1. The county clerk, four thousand dollars per annum, and such fees as are now or may hereafter be allowed by law; and provided, that in counties of this class, there shall be, and is hereby allowed to the county clerk, a deputy, who shall be County
clerk.

appointed by said county clerk, who shall be paid a salary of fifteen hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid; *provided, further*, that in any year when a new registration of voters is required by law, the county clerk may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts and that each of said deputies so appointed for such purpose shall receive as compensation therefor the sum of ten cents per name for each elector registered by each of said deputies, said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of said county a duly verified claim therefor approved by said county clerk.

2. The sheriff, five thousand five hundred dollars per annum.

3. The recorder, two thousand dollars per annum, and six cents for each folio recorded.

Auditor.

4. The auditor, twenty-four hundred dollars per annum; and he may also appoint a deputy, which office of deputy auditor is hereby created, whose salary shall be twelve hundred dollars per annum, payable at the same time, out of the same fund and in the same manner as the salaries of other county officers are paid.

5. The treasurer, twenty-seven hundred dollars per annum.

6. The tax collector, two thousand dollars per annum; and one deputy, at a salary of nine hundred dollars per annum.

7. The assessor, four thousand dollars per annum; and one deputy, at a salary of twelve hundred dollars per annum.

District
attorney.

8. The district attorney, two thousand five hundred dollars per annum; he may also appoint an assistant district attorney, which office is hereby created, whose salary shall be nine hundred dollars per annum; and in counties of this class he may also appoint a clerk, who shall be a stenographer, which office of clerk to the district attorney is hereby created, whose salary shall be six hundred dollars per annum; the salaries of said assistant district attorney and clerk shall be payable as the salaries of other county officers.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superin-
tendent
of schools.

11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, and one deputy, at a salary of nine hundred dollars per annum.

Surveyor.

12. The surveyor, fifteen hundred dollars per annum for all work performed for the county; *provided*, that in counties of this class there shall be and hereby is allowed to the surveyor one assistant to be appointed by the surveyor, whose salary shall be nine hundred dollars per annum, payable at the same time, out of the same fund and in the same manner as the salary of the surveyor is paid; and in addition thereto the

surveyor shall be allowed actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats or block book for the use of the county assessor he shall be allowed only the actual cost of preparing the same.

13. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them; in townships having a population of more than five thousand, one hundred fifty dollars per month; in townships having a population of more than twenty-five hundred and less than five thousand, seventy-five dollars per month; in townships having a population of more than one thousand and less than twenty-five hundred, thirty-five dollars per month; in townships having a population of more than five hundred and less than one thousand, twenty-five dollars per month; in townships having a population of less than five hundred, ten dollars per month. The board of supervisors of such counties shall furnish and maintain for the use of justices of the peace in townships having a population of twenty-five hundred or more, an office suitable for use as a court room, equipped with the necessary furniture for the proper and convenient conduct of business therein. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of this state and amendments thereto, and all necessary stationery, legal blanks and forms for the proper and convenient conduct of business.

Justices of the peace.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Each member of the board of supervisors, eight hundred dollars per annum, and his necessary expenses when attending to the business of the county, and ten cents per mile in going from his residence to the county seat in attending upon all regular meetings of the board of supervisors. For serving as road commissioner, two hundred dollars per annum. Each supervisor shall be allowed not to exceed thirty dollars per month as traveling expenses while supervising the roads of his district.

Supervisors.

16. The fees of grand jurors and trial jurors in the superior courts of counties of this class, in criminal cases, shall be three dollars for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In civil cases, the fees and mileage of jurors in the superior courts shall be the same as are now allowed by law.

Fees, jurors.

CHAPTER 658.

An act to amend section 4238 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the ninth class, and to the number, appointment and salaries of their assistants and deputies.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4238 of the Political Code is hereby amended to read as follows:

4238. In counties of the ninth class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:
1. The county clerk, three thousand six hundred dollars per annum. This is a decrease of the compensation of the county clerk and shall apply to the present incumbent.
 2. The sheriff, four thousand five hundred dollars per annum. The sheriff shall also be allowed his actual, reasonable and necessary expenses in all civil and criminal cases. This is a decrease of the compensation of the sheriff and shall apply to the present incumbent.
 3. The recorder, two thousand seven hundred and fifty dollars per annum.
 4. The auditor, three thousand six hundred dollars per annum.
 5. The treasurer, two thousand six hundred dollars per annum.
 6. The tax collector, one thousand nine hundred dollars per annum. The tax collector shall pay all his own traveling expenses.
 7. The assessor, four thousand dollars per annum. The assessor shall also receive his actual, reasonable and necessary expenses while engaged in his official duties in the field.
 8. The district attorney, three thousand six hundred dollars per annum.
 9. The coroner, such fees as are now or may be hereafter allowed by law.
 10. The public administrator, such fees as are now or may be hereafter allowed by law.
 11. The superintendent of schools, three thousand three hundred dollars per annum. The superintendent of schools shall pay all his own traveling expenses when visiting the schools of his county.
 12. The surveyor, twenty-four hundred dollars per annum, and actual, reasonable and necessary expenses when engaged in the field or in the office in the discharge of his official duties in the county.
 13. Justices of the peace shall receive the following salaries for all services rendered by them, payable in the same man-

Counties,
ninth class,
salaries
of officers.

County
clerk.

Sheriff.

Tax
collector.

Assessor.

Superin-
tendent
of schools.

Surveyor.

Justices of
the peace.

ner as county officers are paid, viz: in townships having a population of twenty thousand or more, two hundred and fifty dollars per month; in townships having a population of not less than five thousand nor more than twenty thousand, one hundred dollars per month; in townships having a population of not less than three thousand nor more than five thousand, sixty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, twenty-five dollars per month. The compensation herein fixed for justices of the peace shall be in full for all services rendered, and all fees collected by them shall be paid into the county treasury as provided by law; *provided*, that justices of the peace now holding office shall, during their present term, be entitled to retain for their own use all civil fees. In townships having a population of twenty thousand or more, the justice of the peace shall be allowed a clerk, which position is hereby created. Such clerk shall be appointed by the justice of the peace of said township, and shall hold office during the pleasure of said justice of the peace. Said clerk shall give a bond in the sum of five thousand dollars, with at least two sureties to be approved by a judge of the superior court of the county in which said township is situated, conditioned for the faithful discharge of the duties of the office; and he shall receive an annual salary of twelve hundred dollars. The justice's clerk shall keep a record of the proceedings of the said court, and shall issue all process ordered by the court, and shall collect and receive all fines and forfeitures in criminal cases and pay the same to the authorities legally entitled to receive the same, at the time and in the manner provided by law. He shall prepare bonds, justify bail when the amount has been fixed by the court, and shall have authority to administer and certify oaths, and take and certify affidavits in any action, suit or proceeding in said justice's court. The clerk shall be in attendance on the court in the courtroom of said justice's court for the dispatch of official business, daily, legal holidays excepted, from the hour of nine o'clock a.m. until five o'clock p.m., and during such reasonable times thereafter as may be necessary for the proper performance of his duty.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of fourteen thousand or more, one hundred dollars per month; in townships having a population of not less than five thousand and not more than fourteen thousand, seventy-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three

Justices of
the peace.

Con-
stables.

thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month. In all townships having a population of less than one thousand four hundred, twenty-five dollars per month. Constables in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law for mileage in criminal cases and shall also receive such fees as are now or may hereafter be allowed by law in civil cases. Such mileage in criminal cases is intended to cover the ordinary expenses of constables, and other than such mileage, they shall be allowed the following expenses and no other, to wit: In criminal, insane, inebriate and drug habitué cases, the actual, reasonable and necessary cost of transporting prisoners to and from the county jail; of supporting such prisoners while in their custody; of pursuing criminals when a felony has been committed within their township and no warrant has been issued, whether an arrest is made or not; of transporting inebriates, drug habitués and insane persons from the justice's court to the place of detention and from the place of detention to the superior court, and from the superior court to the insane asylum, but no mileage shall be allowed for such transportation to the place of detention, to the superior court, or to the insane asylum.

Super-
visors.

15. Each member of the board of supervisors, twelve hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board; and fifteen cents a mile in traveling to and from his residence to the county seat; *provided*, that not more than one mileage at any one term of the board shall be allowed. Each member of said board may be allowed his actual expenses in attending the annual state convention of members of county boards of supervisors; *provided*, that the total expense of all members attending such convention shall not exceed fifty dollars in any one year.

Bonds.

16. The bonds of the clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, coroner, public administrator, superintendent of schools and surveyor, shall be executed with a reliable bond and security company and the cost of said bond, when duly approved, shall be a charge against the county, and payable out of the general fund.

Deputies
and
assistants.

17. The county clerk shall have one chief deputy, at a salary of twenty-one hundred dollars per annum; three court room deputies at a salary of fifteen hundred dollars per annum each, three office deputies at a salary of twelve hundred dollars per annum each; one deputy who shall act as clerk to the board of supervisors at a salary of fifteen hundred dollars per annum; and a deputy or deputies not to exceed ten, for the purpose of registering electors or other emergencies, who shall be paid not to exceed three and a half dollars per diem each; also a deputy or deputies not to exceed ten, to register electors outside of the county seat, who shall receive a compensation of

eight cents for each elector registered, and shall receive no other compensation or expenses. The county recorder one first assistant at a salary of eighteen hundred dollars per annum; one second assistant at a salary of fifteen hundred dollars per annum; two comparing or indexing clerks at a salary of twelve hundred dollars per annum each; two copyists at a salary of twelve hundred dollars per annum each; the recorder may, with the consent of the board of supervisors, hire necessary assistants in cases of emergency at a salary not to exceed three dollars and fifty cents per diem, each, nor shall the aggregate salaries for such work exceed twenty-four hundred dollars in any one calendar year. The treasurer, one chief deputy at a salary of two thousand four hundred dollars per annum, and one deputy at a salary of eighteen hundred dollars per annum; and one deputy at a salary of twelve hundred dollars per annum, and an emergency deputy, which position is hereby created, at a salary of four dollars per diem; which said emergency deputy shall not receive more than five hundred dollars in any one calendar year. The county auditor, one chief deputy at a salary of eighteen hundred dollars per annum, one deputy at a salary of fifteen hundred dollars per annum; the auditor may, with the consent of the board of supervisors, hire necessary assistants for the purpose of extending taxes, and in cases of emergency at a salary not to exceed three and a half dollars per diem each, nor shall the aggregate salaries for such emergency work exceed six hundred dollars in any one calendar year. The district attorney, an assistant district attorney, at a salary of two thousand seven hundred dollars per annum; and one deputy district attorney, at a salary of eighteen hundred dollars per annum; and one stenographer at a salary of twenty-one hundred dollars per annum; the superintendent of schools, one deputy at a salary of twelve hundred dollars per annum. The sheriff, an under-sheriff, who shall receive a salary of twenty-one hundred dollars per annum; a clerk who shall receive a salary of fifteen hundred dollars per annum; a stenographer and clerk who shall receive a salary of twelve hundred dollars per annum; two deputy sheriffs, who shall receive a salary of twelve hundred dollars per annum each, three bailiffs or court room deputies, who shall receive a salary of twelve hundred dollars per annum each; two jailers who shall receive a salary of twelve hundred dollars per annum each; one deputy sheriff for emergencies and as a guard for the working prisoners, who shall receive a salary of twelve hundred dollars per annum; and a deputy sheriff for the purpose of serving papers and other emergencies who shall be paid not to exceed three and a half dollars per diem. The county surveyor, one chief deputy, which position is hereby created, who shall be paid a salary of eighteen hundred dollars per annum. The coroner, one deputy, which position is hereby created, who shall be paid by the coroner out of his fees. The county assessor shall have one chief deputy at a

Deputies
and
assistants

salary of twenty-one hundred dollars per annum; two office deputies at a salary of twelve hundred dollars each per annum; one office deputy at a salary of nine hundred dollars per annum; three office deputies for preparing assessment rolls to serve not to exceed ninety days each in any one year at a salary of four dollars per diem each; seventeen field deputies to serve not to exceed eighty days each in any one year at a salary of four dollars per diem each. All the deputies, assistants, emergency help, and clerks herein mentioned shall be paid at the time and in the manner that the principals are paid, and they shall be paid from the salary fund.

Salaries,
etc., pay-
ment in
full.

18. The salaries, fees, mileage and commissions herein provided shall be in full for all official services performed. No county, district or township officer shall receive from the county any salary, compensation, fees, commission or mileage, except as in this section provided. All compensation, commissions, fees and mileage now or hereafter provided by law to be paid to any county, district or township officer for any official service, except as in this section otherwise provided, shall be paid into the county treasury to the credit of the general fund, unless some other fund is specially designated by law. All compensations, fees, commissions and mileage, except as in this section otherwise provided, received by any county, district or township officer, either as such officer, or as the agent of the State of California, or of any officer thereof, or as the agent of any political subdivision of the State of California, or of any officer thereof, shall be paid into the county treasury to the credit of the general fund, unless some other fund is specially designated by law.

Until such county, district or township officer shall pay into the county treasury all compensation, commissions, fees and mileage as herein required to be paid, he shall receive no salary, and it shall be the duty of the auditor to refuse to deliver to him thereafter a salary warrant, and it shall be the duty of the treasurer to refuse to pay the same.

Fees,
jurors.

19. For attending as a grand juror or as a juror in the superior court, for each day's attendance per day three dollars and fifty cents. For each mile actually traveled in attending court as a juror, in going only, per mile, twenty-five cents.

CHAPTER 659.

An act to amend section forty-two hundred eighty-five of the Political Code, relating to the salaries and compensation of officers of counties of the fifty-sixth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4285 of the Political Code is hereby amended to read as follows:

4285. In counties of the fifty-sixth class, the county officers

shall receive as compensation for the services required of them by law and by virtue of their offices, the following salaries, to wit:

Counties,
fifty-sixth
class.
salaries
of officers.

1. The county clerk, nine hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the clerk a deputy to act as clerk of the board of supervisors, who shall be appointed by the county clerk and be paid a salary of fifty dollars per month; said salary to be paid by said county in monthly installments at the time and in the manner and out of the same fund as the salary of the county clerk is paid. In counties of this class the county clerk is hereby allowed in addition to his salary, each year when a new registration is required, the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and be paid from the general fund of the county.

County
clerk.

2. The sheriff, eighteen hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed a jailer who shall be appointed by the sheriff and be paid a salary of twenty-five dollars per month; and said salary to be paid by said county monthly and at the time and in the manner and out of the same fund as the salary of the sheriff is paid.

Sheriff.

3. The recorder, six hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, which office of copyist to the recorder is hereby created and which copyist shall be appointed by the recorder and be paid the salary of fifty dollars per month; said salary to be paid by said county in monthly installments at the time and in the manner and out of the same fund as the salary of recorder is paid.

Recorder.

4. The auditor, seven hundred and twenty dollars per annum.

5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, twelve hundred dollars per annum.

7. The assessor, nine hundred dollars per annum.

8. The district attorney, twelve hundred dollars per annum and such fees as are now or may hereafter be paid to that officer.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, seven hundred and twenty dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, four hundred and twenty dollars per annum and twenty cents per mile in

Super-
visors.

traveling from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the board.

Reporter.

16. In counties of this class the official reporter of the superior court shall receive as full compensation for taking notes in civil and criminal cases tried in said court and for preliminary examinations in justices' courts and the coroner's inquests, a monthly salary not to exceed fifty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for the copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury, and in civil cases to be paid by the party ordering the same or when ordered by the judge, by either party or jointly by both parties as the court may direct.

Fees,
jurors.

17. The fees of grand jurors and trial jurors in the superior courts of said counties of this class in civil and criminal cases, shall be three dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

CHAPTER 660.

An act to amend section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4230 of the Political Code is hereby amended to read as follows:

Counties,
first class,
salaries
of officers.

4230. In counties of the first class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

County
clerk.

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following

clerks, deputies and employees who shall be appointed by the county clerk, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be cashier and bookkeeper at a salary of one hundred and fifty dollars per month; one deputy who shall be in charge of the probate department at a salary of one hundred and fifty dollars per month; one deputy who shall be in charge of the registration department at a salary of one hundred and fifty dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and fifty dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and twenty-five dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and ten dollars per month; one deputy who shall be clerk of the board of supervisors, at a salary of one hundred and fifty dollars per month; fourteen deputies who shall be court room clerks at salaries of one hundred and twenty-five dollars each per month; one deputy who shall be judgment clerk at a salary of one hundred and fifty dollars per month; one deputy who shall be an assistant judgment clerk at a salary of one hundred and twenty-five dollars per month; one deputy who shall be assistant judgment clerk at a salary of ninety dollars per month; one deputy who shall be a file clerk at a salary of one hundred and ten dollars per month; one deputy who shall be an index clerk at a salary of one hundred and ten dollars per month; one deputy who shall be in charge of the criminal records at a salary of one hundred and ten dollars per month; one deputy who shall be recording minute clerk for probate orders at a salary of one hundred and fifty dollars per month; one deputy who shall be a recording clerk for probate orders at a salary of one hundred and fifteen dollars per month; one deputy who shall be an assistant clerk of the board of supervisors at a salary of one hundred and ten dollars per month; one deputy who shall be a stenographer at a salary of one hundred dollars per month; one deputy who shall be a stenographer for the board of supervisors at a salary of one hundred dollars per month; two deputies who shall be miscellaneous department clerks at a salary of one hundred and twenty-five dollars each per month; seven deputies at a salary of one hundred dollars each per month; one deputy at a salary of ninety dollars per month; four copyists at a salary of seventy-five dollars each per month; one deputy who shall be a filing clerk at a salary of seventy-five dollars per month; one telephone operator at a salary of seventy-five dollars per month; one messenger at a salary of sixty dollars per month; one deputy at a salary of twenty-five dollars per month; twelve deputies for a period not to exceed one month in any one year at a salary of eighty dollars per month each; *provided, further*, that in such years as the compilation of the great register of voters is required by law to be made, the county clerk in counties of this class shall

County
clerk.

he and he is hereby allowed one hundred and fifty deputies for a period not to exceed one month each in any such year, at a salary of ninety dollars per month each, and also for any such year two additional deputies in each voting precinct in the county for the purpose of registering electors in such precincts, who shall be paid five cents per name for each elector legally registered by them. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner and out of the same fund as the salary of the county clerk is paid.

Sheriff.

2. The sheriff, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff an under-sheriff and the following deputies, stenographers, and employees, who shall be appointed by the sheriff of said county and shall be paid salaries as follows, to wit: One under-sheriff, at a salary of two hundred dollars per month; one deputy, who shall be bookkeeper, at a salary of one hundred and fifty dollars per month; two deputies, who shall be assistant bookkeepers, at a salary of one hundred and ten dollars each per month; one deputy, who shall be the return clerk, at a salary of one hundred dollars per month; one deputy, who shall be foreclosure clerk, at a salary of one hundred and twenty-five dollars per month; three deputies at a salary of one hundred and thirty-five dollars each per month; one cook at the county jail, at a salary of seventy dollars per month; thirty-nine deputies at a salary of one hundred dollars each per month; six deputies, who shall be turnkeys at the county jail, at a salary of one hundred dollars each per month; two deputies, who shall be bookkeepers at the county jail, at a salary of one hundred dollars each per month; one deputy, who shall be head jailer at the county jail, at a salary of one hundred and twenty-five dollars per month; two matrons of the county jail at a salary of seventy-five dollars each per month; two stenographers at a salary of seventy-five dollars each per month; one deputy, who shall be a chauffeur and machinist at a salary of one hundred and twenty-five dollars per month. The salaries of the under sheriff, matron, cook, and all deputies, stenographers and chauffeur herein provided for shall be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund that the salary of the sheriff is paid. The sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be charged against the county and allowed as such by the board of supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution, the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale.

Recorder.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies

and copyists, who shall be appointed by the recorder of said county, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy at a salary of one hundred and fifty dollars per month; two deputies at a salary of one hundred and fifty dollars each per month; seven deputies at a salary of one hundred and fifteen dollars each per month; one deputy at a salary of one hundred and ten dollars per month; one deputy at a salary of one hundred and five dollars per month; twenty-six deputies at a salary of one hundred dollars each per month; one deputy at a salary of seventy-five dollars per month; and as many copyists as may be required, who shall receive as compensation for their services the sum of seven cents per folio, for recording any instrument or notice, except maps or plats; for copies of any paper or record, seven cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the county recorder is paid.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the auditor the following deputies, clerks, and assistants, who shall be appointed by the auditor, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be in charge of the redemption department at a salary of one hundred and thirty-five dollars per month; two deputies at a salary of one hundred and fifty dollars each per month who shall be accountants and department auditors; one deputy in the redemption department at a salary of one hundred and thirty dollars per month; one deputy in the redemption department at a salary of one hundred and twenty-five dollars per month; one deputy in the redemption department at a salary of one hundred and twenty dollars per month; one deputy who shall be chief bookkeeper, at a salary of one hundred and fifty dollars per month; one deputy who shall be assistant bookkeeper at a salary of one hundred and thirty-five dollars per month; one deputy who shall be assistant bookkeeper at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of one hundred and twenty-five dollars per month; two deputies at a salary of one hundred and ten dollars each per month; one deputy at a salary of one hundred dollars per month; three deputies who shall be assistant bookkeepers at a salary of one hundred dollars each per month; one deputy who shall be a filing clerk at a salary of seventy-five dollars per month; one hundred and ten clerks at a salary of four dollars per day each for each day employed for a period not to exceed thirty days in any one year; and such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed seventeen hundred and fifty dollars in any one year. The salaries of the deputies, clerks and assist- Auditor.

ants herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the auditor is paid.

Treasurer.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer, the following deputies who shall be appointed by the treasurer, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be cashier at a salary of one hundred and fifty dollars per month; one deputy who shall be assistant cashier at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of one hundred and thirty-five dollars per month; one deputy at a salary of one hundred dollars per month; one deputy who shall be a stenographer and bookkeeper at a salary of one hundred dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the treasurer is paid.

Tax collector.

6. The tax collector, three thousand six hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following deputies, stenographers and clerks, who shall be appointed by the tax collector, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; one deputy who shall be chief clerk at a salary of one hundred and fifty dollars per month; two deputies, who shall be assistants to the chief clerk, at a salary of one hundred and twenty dollars each per month; one deputy who shall be cashier, at a salary of one hundred and twenty-five dollars per month; one deputy who shall be assistant cashier, at a salary of one hundred and fifteen dollars per month; two deputies who shall be assistants to the cashier, at a salary of one hundred and fifteen dollars each per month, for a period not to exceed six months in any one year; one deputy who shall be correspondence clerk, at a salary of one hundred and twenty-five dollars per month; one deputy who shall be correspondence clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be license clerk, at a salary of one hundred and ten dollars per month; two deputies who shall be checking clerks, at a salary of one hundred and fifteen dollars each per month; and one deputy who shall be register clerk, at a salary of one hundred and ten dollars per month; one deputy who shall be record clerk, at a salary of one hundred and ten dollars per month; two deputies who shall be license inspectors, at a salary of one hundred dollars each per month; one deputy who shall be chief report clerk, at a salary of one hundred and fifty dollars per month; six deputies who shall be report clerks, at a salary of one hundred and ten dollars each per month; one deputy who shall be bookkeeper, at

a salary of one hundred and ten dollars per month; twelve deputies at a salary of one hundred dollars each per month; two deputies who shall be sale and redemption clerks, at a salary of one hundred [dollars] each per month; one deputy who shall be map clerk, at a salary of one hundred and fifteen dollars per month; two deputies who shall be stenographers at a salary of ninety dollars each per month; eighty-seven clerks for a period not to exceed six months at a salary of four dollars per day each for each day employed; and also such additional assistants as the tax collector may require in preparing a property index, whose compensation for any year shall not exceed in the aggregate two thousand dollars for any such year. The tax collector shall also be allowed and there is hereby allowed a sum not to exceed six hundred dollars for the necessary traveling expenses of said license tax collector each year. The salaries of the deputies, clerks, assistants and stenographers herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the tax collector is paid.

7. The district attorney, six thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the district attorney, the following deputies, employees and assistants who shall be appointed by the district attorney of said county and who shall be paid salaries as follows: One assistant district attorney at a salary of two hundred and seventy-five dollars per month; one chief deputy at a salary of two hundred and fifty dollars per month; four deputies at a salary of two hundred and twenty-five dollars per month each; seven deputies at a salary of two hundred dollars each per month; one clerk at a salary of one hundred and fifty dollars per month; two detectives at a salary of one hundred and thirty-five dollars each per month; two process servers at a salary of one hundred dollars each per month; five stenographers at a salary of one hundred dollars each per month; one messenger at a salary of sixty dollars per month; the auditor shall audit and allow, and the treasurer shall pay to the district attorney the sum of fifty dollars per month on the first of each month, which shall be for a secret service fund, to be used in detection and prevention of crime by the district attorney; *provided, however*, that nothing contained in this subdivision shall be construed as limiting the provisions of section four thousand three hundred and seven; *provided, further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel, when in the judgment of said board, the interests of said county require it. The salaries of the assistants, deputies, clerks, stenographers, special counsel, detectives, and employees herein provided for, shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the district attorney is paid.

ASSESSOR.

8. The assessor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the assessor the following deputies, clerks, stenographers, and copyists, who shall be appointed by the assessor, and who shall be paid salaries as follows: One chief deputy at a salary of two hundred dollars per month; one head deputy, county department, at a salary of one hundred and fifty dollars per month; one head deputy, city department, at a salary of one hundred and fifty dollars per month; one assistant deputy at a salary of one hundred and twenty-five dollars per month; two improvement valuation deputies at a salary of one hundred and twenty-five dollars each per month; five real estate valuation deputies at a salary of one hundred and twenty dollars each per month; two deputies who shall be cashiers at a salary of one hundred and twenty dollars each per month; one machinery valuation deputy at a salary of one hundred and twenty dollars per month; one tax sale and redemption deputy at a salary of one hundred and ten dollars per month; eleven deputies at a salary of one hundred dollars each per month; four transfer deputies at a salary of one hundred dollars each per month; ninety field deputies for a period not exceeding three months in any one year at a salary of one hundred dollars each per month; forty field deputies for a period not exceeding three months in any one year at a salary of one hundred dollars each per month; thirty-five clerks for a period not exceeding four months in any one year at a salary of one hundred dollars each per month; fifteen field deputies for a period not exceeding six months in any one year, at a salary of one hundred dollars each per month; eighteen copyists at a salary of seventy-five dollars each per month; fifteen copyists for a period not exceeding four months in any one year at a salary of seventy-five [dollars] each per month; sixty copyists for a period not exceeding three months in any one year at a salary of seventy-five dollars each per month; ten comparers, for a period not exceeding three months in any one year, at a salary of eighty dollars each per month; twelve comparers for a period not exceeding three months in any one year, at a salary of eighty dollars each per month; two deputies, who shall be photographers, at a salary of one hundred and twenty dollars each per month; two stenographers at a salary of ninety dollars each per month; there is also allowed not to exceed five hundred dollars for transportation expenses of the said assessor or his deputies for each year; *is is further provided*, that in counties of this class, that if the assessor be directed by any law, or by any order of the board of supervisors, within counties of this class, to prepare maps, plats, or block books for the use of the county, or assessment rolls, for the use of any municipality, then said assessor shall make such maps, plats, or block books, or assessment rolls, but shall only receive the actual cost by him incurred in making or preparing said maps, plats, or block books, or assessment rolls; *and provided*,

further, that he shall file with the county auditor a SWORN Assessor. statement, showing the persons to whom, and the amounts paid to each for such maps, plats, block books, or assessment rolls, and he shall account forthwith and pay over to the county any difference between such costs and the amount allowed him for such work. The salaries of the deputies, stenographers, clerks, and copyists herein provided for, shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the county assessor is paid; *it is further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section one thousand nine hundred and one of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll taxes, and road poll taxes shall be allowed to such counties on their settlement with the state, and be and remain the property of such counties.

9. The coroner. three thousand dollars per annum and his Coroner. actual necessary expenses in traveling outside of the county seat. He shall hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code, except that he may in his discretion dispense with a jury. The coroner or other officer holding an inquest upon the body of a deceased person may subpoena a physician or surgeon to inspect a body, or a chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post-mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner in counties of this class shall be and he is hereby allowed the following assistants: One deputy at a salary of two hundred dollars per month; said deputy shall have the power and it shall be his duty when directed by the coroner, to hold inquests, and all power conferred by law upon the coroner may be exercised by said deputy; one stenographer at a salary of one hundred and fifty dollars per month. Said stenographer shall take down in shorthand the testimony of witnesses at inquests and shall transcribe the same in long-hand and file a certified copy thereof with the county clerk; one clerk at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of one hundred dollars per month. The salaries of the deputies, clerks and stenographer herein provided for shall be paid by the county, in the same manner, at the same time, and out of the same funds as the salary of the coroner is paid.

10. The public administrator, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the public administrator one deputy at a salary of one hundred and seventy-five dollars per month. The salary of said deputy shall be paid by the Public administrator.

county in the same manner, at the same time, and out of the same fund as the salary of the public administrator is paid.

Superintendent
of schools.

11. The superintendent of schools, three thousand six hundred dollars per annum, which shall be in full for all services, including attendance upon the board of education, also actual necessary traveling expenses not to exceed five dollars for every school district in the county; *provided*, that in counties of this class there shall be and there hereby is allowed the superintendent of schools the following assistants and deputies who shall be appointed by the superintendent of schools of said county, and who shall be paid salaries as follows: Three assistants at a salary of two hundred and twenty-five dollars each per month; one deputy at a salary of one hundred and seventy-five dollars per month; three deputies at a salary of one hundred and twenty-five dollars each per month; four deputies at a salary of one hundred dollars each per month. The salaries of the assistants and deputies herein provided for shall be paid by the county at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

Health
officer.

12. The health officer, fifteen hundred dollars per annum, and special health officers when appointed as in this title provided, ten dollars each per day; *provided*, that not more than five hundred dollars per annum shall be paid or expended in any one year in payment of special health officers. The salaries of the health officer and special health officers shall be paid by the county in the same manner, at the same time and out of the same fund as the salaries of county officers are paid.

Board of
education.

12½. Each member of the county board of education, except the secretary thereof, five dollars for each session of the board attended, not exceeding a total of four hundred dollars to any member in any one year. In addition, each member shall be entitled to mileage at the rate of ten cents per mile, for one way only, while attending the regular sessions. Said compensation of the said members of the board of education shall be payable monthly and out of the same funds, and in the same manner as the salary of the county superintendent of schools is paid. Said compensation shall be in full payment for all services rendered.

Surveyor.

13. The surveyor, three thousand six hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed in the field, and all necessary expenses for searching records and compiling assessor's maps; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor, the following deputies who shall be appointed by the surveyor of said county, and who shall be paid salaries as follows: One chief deputy who shall be a civil engineer at a salary of two hundred and fifty dollars per month; one deputy who shall be a bridge engineer at a salary of one hundred and ninety dollars per month; two deputies who shall be civil engineers at a salary of one hundred seventy-five dollars each per month; seven deputies

who shall be surveyors or draftsmen at a salary of one hundred and twenty-five dollars each per month; three deputies, two of whom shall be draftsmen and one a counter deputy at a salary of one hundred and ten dollars each per month; two deputies who shall be draftsmen at a salary of one hundred dollars each per month; two deputies who shall be instrument or draftsmen at a salary of ninety dollars each per month; one deputy who shall be a stenographer at a salary of ninety dollars per month. The salaries of the deputies herein provided for shall be paid by said county at the same time, in the same manner and out of the same fund as the salary of the county surveyor is paid.

14. Supervisors, two thousand four hundred dollars per annum together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum. They shall also receive their necessary expenses when attending meetings of the state board of equalization; *and provided, further*, that there shall and hereby is allowed to the said board of supervisors the following clerks: One clerk who shall be auditor and accountant at a salary of one hundred and fifty dollars per month; one clerk who shall be in charge of miscellaneous records, equalization and election matters, at a salary of one hundred and twenty-five dollars per month; one clerk who shall be demand clerk at a salary of one hundred and fifteen dollars per month; two assistant clerks at salaries of one hundred and fifteen dollars each per month; one clerk who shall be stenographer and index clerk at a salary of one hundred dollars per month; one clerk, as emergency clerk, at salary of one hundred dollars per month; one clerk who shall be superintendent of charities at a salary of one hundred and twenty-five dollars per month; one clerk at a salary of one hundred and ten dollars per month and one clerk at a salary of one hundred dollars per month, each of whom shall be an assistant to the superintendent of charities; one clerk who shall be stenographer for the department of charities at a salary of eighty-five dollars per month; forty clerks for a period not exceeding thirty days in any one year at a salary of four dollars each for each day actually employed to assist said board in the work of equalization; and in addition to the clerks hereinbefore provided for, in years when a general election is held in the state, there shall be and hereby is allowed the said board of supervisors sixty clerks for a period not to exceed twenty days in such years, at a compensation of four dollars each per day for each day actually employed; such clerks shall be appointed by the board of supervisors and shall be paid by said county in the same manner, at the same time, and out of the same fund as other clerks of the county officers are paid; *and still further provided*, that from and after the first Monday after the first day of January in the year one thousand nine hundred and thirteen, supervisors in counties now of this class shall receive as compensation for the services required of them by law a salary of three thousand

Super-
visors.

dollars each per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties either as road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum, and they shall also receive their necessary expenses when attending meetings of the state board of equalization. The salaries of the deputies, clerks and employces herein provided for shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the county officers are paid.

Justices of
the peace.

15. In townships having a population of thirty thousand and not more than one hundred thousand, justices of the peace shall receive a salary of two thousand dollars per annum; in townships having a population of fifteen thousand and less than thirty thousand, justices of the peace shall receive a salary of fifteen hundred dollars per annum; in townships having a population of ten thousand and less than fifteen thousand, justices of the peace shall receive a salary of twelve hundred dollars per annum; in townships having a population of five thousand and less than ten thousand, justices of the peace shall receive a salary of nine hundred dollars per annum; in townships having a population of two thousand and less than five thousand, justices of the peace shall receive a salary of six hundred dollars per annum; in townships having a population of less than two thousand, justices of the peace shall receive a salary of five hundred dollars per annum; *and provided, further*, that in townships having a population of more than one hundred thousand, each justice of the peace shall receive a salary of three thousand dollars per annum. All salaries shall be in lieu of all fees due or to become due all justices for the performance of any official act, and such salaries as hereinbefore provided shall be paid in like manner, at the same time, and out of the same funds as county officers are paid by such county. And all fees together with all fines and penalties paid to such justices or into such court, shall be and become the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report under oath on the first Monday of each month, to the board of supervisors of such county, the amount of all fines and fees collected by him on the account aforesaid during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to the board of supervisors with the said report.

The board of supervisors of such counties in townships having a population of more than fifteen thousand, may provide each such justice with an office and the necessary furniture and supplies for the justice's court and may in their discretion provide each such justice with the necessary law books; *and provided, further*, that the board of supervisors in such counties may, in townships having a population of more than one hundred thousand, appoint a clerk for each justice therein which

clerks shall each hold office for the term of two years from and after appointment, and shall receive a salary of one hundred dollars each per month, payable in like manner, at like times and out of the same fund as county officers are paid by the county; said clerks shall each take and file an oath of office in like manner as county officers, and after being appointed and qualifying as hereinbefore prescribed, shall have power to administer and certify oaths to affidavits, and all papers, documents, or instruments used in or in connection with the actions and proceedings of such justice's court. Such clerks shall perform such other clerical services as may be required of them by the justice or justices. For the purpose of this section the population of townships in counties of this class is hereby determined by the population of such townships as shown by the census taken under the direction of the congress of the United States in the year 1910.

16. Constables shall receive the following monthly salaries, to be paid each month and in like manner, at like times and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases, or in actions or proceedings in which the people of the State of California are parties: In townships having a population of three hundred thousand or over, one hundred and fifty dollars per month; in townships having a population of thirty thousand and less than three hundred thousand, one hundred and twenty-five dollars per month; in townships having a population of ten thousand and less than thirty thousand, ninety dollars per month; in townships having a population of five thousand and less than ten thousand, sixty dollars per month; in townships having a population of less than five thousand, forty dollars per month. In addition to the compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; *provided*, that the constable shall be allowed all necessary expenses actually incurred in serving any criminal process or pursuing, taking or arresting persons charged with crime, or transporting such persons to or from court or county jail. And all fees collected by such constable on account of services rendered in criminal cases or proceedings in which the people of the State of California are parties, shall belong to and be the property of the county in which said constable has been elected or appointed; *and provided, further*, that in counties of this class and in townships having more than one hundred thousand inhabitants, there shall be and there is hereby allowed to each of the four constables of said township, one deputy, who shall be appointed by the constable and shall receive a salary of one hundred dollars per month, and in townships having a population of thirty thousand and not more than one hundred thousand there shall be and there is hereby allowed to each constable, one deputy, who shall be appointed by the constable and shall receive a salary of fifty dollars per month.

Con-
stables.

Con-
stables.

Said deputies shall be paid in like manner and at like times and out of the same funds as the county officers are paid. Said deputies so appointed shall take and file an oath of office in like manner as county officers. Each constable shall report under oath on the first Monday of each month to the board of supervisors of such county, the amount of all fees collected by him for all services rendered in all criminal cases or in actions or proceedings to which the people of the State of California are parties, during the preceding month, and shall, on said date, deposit with the county treasurer to the credit of such county all such fees as may be shown by said report to have been collected by him as aforesaid, and he shall also transmit the treasurer's receipt for said payment to said board of supervisors with said report. For the purpose of this section the population of townships in counties of this class is hereby determined by the population of such township as shown by the census taken under the direction of the congress of the United States in the year 1910.

Fish and
game
warden.

17. The fish and game warden, one hundred and twenty-five dollars per month. In addition thereto said fish and game warden shall be allowed a sum not to exceed fifty dollars per month for expenses incurred by him in the performance of his duties. Said salary and expenses incurred must be paid monthly from the county treasury.

CHAPTER 661.

An act to amend section 4242 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirteenth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4242 of the Political Code of the State of California is hereby amended to read as follows:

Counties,
thirteenth
class,
salaries
of officers.

4242. In counties of the thirteenth class, county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

County
clerk.

1. The county clerk, two thousand eight hundred dollars per annum, and there shall be and there is hereby allowed to the county clerk, in addition, one deputy who shall be paid the sum of one thousand five hundred dollars per annum, and one deputy who shall be paid the sum of one thousand three hundred dollars per annum, and one deputy who shall be paid the sum of one thousand dollars per annum; the said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid; and provided, further, that in each year in which a new and complete registration of voters is

required by law, said county clerk shall appoint an additional deputy, or deputies, who shall receive the sum of seven and one half cents per name for taking the affidavits of registration outside of the city of Riverside, and claims for their service at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed; *and provided, further*, that all fees and commissions received by this office shall be turned over to the county and become the property of the county. All the provisions of this paragraph shall apply to the present incumbent.

2. The sheriff, three thousand three hundred dollars per annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff, one under-sheriff whose salary is hereby fixed at the sum of one thousand five hundred dollars per annum, and one deputy who shall be jailer, whose salary is hereby fixed at the sum of one thousand dollars per annum; and one deputy whose salary is hereby fixed at the sum of nine hundred dollars per annum; said deputies to be appointed by the sheriff and their salaries to be paid by the county in equal monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid. All the provisions of this paragraph shall apply to the present incumbent. Sheriff.

3. The recorder, two thousand eight hundred dollars per annum; and one deputy, whose office is hereby expressly created, to be appointed by the recorder, who shall receive a salary of one thousand four hundred dollars per annum, payable in monthly installments; *and provided, further*, that the recorder is hereby allowed as many copyists as may be required, who shall receive as compensation the sum of four cents per folio for recording any instrument or notice. The salaries of the deputy recorder and copyists herein provided, shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All fees and commissions received by this office shall be turned over to the county and become the property of the county. All the provisions of this paragraph are to apply to the present incumbent. Recorder.

4. The auditor, two thousand eight hundred dollars per annum; and there shall be and there is hereby allowed to the auditor in addition, one deputy to be appointed by the auditor who shall be paid a salary of one thousand five hundred dollars per annum, and one deputy who shall be appointed by the auditor who shall be paid a salary of nine hundred dollars per annum, and such additional clerks and assistants as the auditor may require and whose compensation in the aggregate shall not exceed four hundred dollars in any one year; *and provided*, that the auditor shall file with the county clerk a verified statement showing in detail the amount paid, and the persons to whom said compensation is paid for such extra assistants afore- Auditor.

said. The salaries herein provided shall be paid by the county in monthly installments at the same time and out of the same fund as the salaries of county officers are paid. All that portion of this paragraph relating to deputies and other assistants shall apply to the present incumbent.

Treasurer.

5. The treasurer, two thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the treasurer, one deputy, to be appointed by him, who shall receive from the county a salary of one thousand dollars per annum, to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All that portion of this paragraph relating to the salary of deputy shall apply to the present incumbent. From and after the first Monday after the first day of January, 1915, all fees and commissions received by the treasurer shall be turned over to the county and become the property of the county.

Tax collector.

6. The tax collector, two thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax collector the following deputies and assistants whose offices are hereby created and who shall be appointed by the tax collector: one deputy at a salary of one thousand two hundred dollars per annum; a stenographer to be appointed by the tax collector during the years 1913 and 1914 at a salary of one thousand two hundred dollars per annum: and such assistants as the tax collector may require; *provided*, that the compensation of such assistants shall not, in the aggregate, exceed the sum of one thousand dollars in any one year; *and provided*, that the tax collector shall file with the county auditor a verified statement showing in detail, the amounts and the persons to whom said compensation is paid. The salaries of the said deputy, stenographer and other assistants shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid. All that portion of this paragraph relating to deputy, stenographer and other assistants shall apply to the present incumbent.

Assessor.

7. The assessor, two thousand eight hundred dollars per annum, and his actual traveling expenses when away from his office on county business; *provided*, that in counties of this class there shall be and there is hereby allowed to the assessor, the following deputies and assistants whose offices are hereby created and who shall be appointed by the assessor: one deputy at a salary of one thousand six hundred dollars per annum, one stenographer at a salary of eight hundred dollars per annum, one stenographer at a salary of seven hundred and twenty dollars per annum, and such other deputies as the assessor may require, and whose compensation, in the aggregate, shall not exceed the sum of five thousand dollars in any one year; *and provided*, that the assessor shall file with the county auditor, a verified statement showing in

detail, the amounts, and the persons to whom said compensation is paid. The salaries of such deputies and stenographers shall be paid by said county in monthly installments and at the same time and in the same manner and out of the same fund that county officers are paid. All the provisions of this paragraph are to apply to the present incumbent. All fees and commissions, including poll tax, collected by this office shall be turned over to the county and become the property of the county.

8. The coroner, such fees as are now, or may hereafter be allowed by law.

9. The public administrator, such fees as are now, or may hereafter be allowed by law.

10. The district attorney, two thousand five hundred dollars per annum, and actual traveling expenses when away from his office on county business; *provided*, that in counties of this class there shall be and there is hereby allowed to the district attorney, one deputy to be appointed by the district attorney who shall be paid the salary of one thousand two hundred dollars per annum; *and provided, further*, that a stenographer be appointed by the district attorney to be paid a salary of twelve hundred dollars per annum for the years 1913 and 1914, and thereafter at a salary of nine hundred dollars per annum. Said deputy and stenographer shall be paid out of the county treasury in monthly installments in the same manner and out of the same fund as county officers are paid. That portion of this paragraph relating to stenographer shall apply to the present incumbent.

11. The superintendent of schools, two thousand four hundred dollars per annum; his office shall be kept open on all business days from nine a. m. to five p. m.; he shall be allowed his actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall [be] and there hereby is allowed, to the superintendent of schools, one deputy to be appointed by him who shall receive from the county a salary of twelve hundred dollars per annum to be paid by said county in monthly installments in the same manner and out of the same fund as the salaries of county officers are paid. That portion of this paragraph relating to deputies shall apply to the present incumbent.

12. The surveyor, one thousand five hundred dollars per annum, and in addition thereto, all necessary field assistants; *provided*, that in counties of this class there shall be and there hereby is allowed the surveyor, two deputies who shall be appointed by the surveyor of said county, and who shall be paid salaries as follows: one deputy at a salary of fifteen hundred dollars per annum, and one deputy at nine hundred dollars per annum; *and provided, further*, that the county surveyor shall be allowed a third deputy who shall be a draftsman at a salary of one thousand two hundred dollars per annum, to be in effect from July 1, 1913, to December 31, 1914, and whose duty it shall be to complete the road abstracts and

maps for the county. The salaries of said deputies herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All necessary expenses for field assistants shall be paid by the county, and the actual cost of preparing assessor's maps, whenever a complete set of such maps is ordered prepared by the board of supervisors, said cost of preparing said assessor's maps not to exceed the sum of one thousand eight hundred dollars.

Officers of townships.

13. From and after the first Monday after the first day of January, 1915, the officers of townships in counties of this class shall be one justice of the peace and one constable, anything in the provisions of section four thousand fourteen of this code to the contrary notwithstanding.

Justices of the peace.

14. The justice of the peace in townships having a city or a portion thereof, situated therein and having a population of twelve thousand or more, fifteen hundred dollars per annum, payable in monthly installments, which shall be in full for all services rendered by him in both civil and criminal cases tried before him. He shall each month pay to the county treasurer all fines, commissions and fees collected by him as such justice of the peace, including fees for celebrating marriages and returning certificates thereof to the county recorder. In townships having a population of six thousand and less than twelve thousand the justice of the peace therein shall receive fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of two thousand and less than four thousand, twenty dollars per month; and in all other townships in said county, ten dollars per month; *provided, however*, that in all townships having an area equal to or exceeding one thousand square miles such salary shall not be less than fifty dollars per month. Each justice of the peace must pay into the county treasury once each month all fines collected by him in criminal cases, and the auditor shall withhold the warrant for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice of the peace, except the justice in townships having one or more cities, or portions thereof situated therein, and having a population of twelve thousand or more, may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office, which the coroner is unable to attend to, the justice of the peace shall receive the same fees as are allowed the coroner in similar cases.

Constables.

15. Constables in townships having one or more cities, or portions thereof situated therein, and having a population of twelve thousand or more, fifteen hundred dollars per annum, payable in monthly installments, and their actual traveling expenses when engaged in official business outside of such townships, which shall be in full for all services rendered by

them in all civil and criminal business. They shall charge and collect such fees as are allowed by law, and they shall each month pay into the county treasury all fees, forfeitures, fines and commissions collected by them in the discharge of their duties as such constables. In townships having a population of six thousand and less than twelve thousand the constable shall receive fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of two thousand and less than four thousand, twenty dollars per month; and in all other townships in said county, ten dollars per month; *provided*, that in all townships having an area equal to or exceeding one thousand square miles such salary shall not be less than fifty dollars per month; *provided, further*, that in addition to the salaries herein allowed, each constable, except constables in townships having a city or a portion thereof situated therein, and having a population of twelve thousand or more, shall receive for their own use in civil cases, the fees allowed by law, and shall be paid out of the treasury of the county his actual traveling expenses outside of his own township, but within his county, for the service of a warrant of arrest or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile actually traveled outside of his county both going and returning from the place of arrest or other service, five cents per mile; and for transporting prisoners to the county jail, the actual cost of transportation.

16. The population of the several judicial townships for the purpose of fixing the compensation of township officers shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, every odd numbered year.

17. Each supervisor, fifteen hundred dollars per annum, payable in monthly installments, and fifteen cents per mile one way for traveling from his residence to the place of meeting of the board at the county seat, for not more than four board meetings per month, and the necessary actual expenses incurred by him while engaged in county business outside of his district, not exceeding in the aggregate the sum of three hundred dollars per annum.

CHAPTER 662.

An act to amend section 1231 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4234 of the Political Code of the State of California is hereby amended to read as follows:

Counties,
fifth class,
salaries
of officers.

County
clerk.

4234. In counties of the fifth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, to wit:

1. The county clerk, thirty-four hundred dollars per annum; he shall have two deputies at a salary of eighteen hundred dollars each per annum; four deputies at a salary of fifteen hundred dollars each per annum; and two deputies at a salary of twelve hundred dollars each per annum. He shall have a registration clerk at a salary of fifteen hundred dollars per annum; and shall also have two copyists for a period of not to exceed ten months during each and every even numbered year, such copyists to receive a salary of eighty dollars per month each during their said employment. The county clerk shall pay into the county treasury at the close of each month all fees received by him during the month, accompanied by a statement of source from whence received.

Sheriff.

2. The sheriff, six thousand dollars per annum and all fees for the service of process issued without his county. He shall have an under-sheriff whose annual salary shall be eighteen hundred dollars; two field deputies whose annual salary shall be fifteen hundred dollars each; one office deputy who shall have charge of the records made under the Bertillon system and who shall act as photographer and shall receive an annual salary of fifteen hundred dollars; and four deputies whose salaries shall be twelve hundred dollars each per annum. He shall also have for use in his office and under his supervision and control one stenographer, which office of stenographer is hereby, by the terms of this act, expressly created. The said position of stenographer to be filled by the sheriff in the same manner as deputies are appointed by him, and said stenographer is to be at all times as to his duties under the supervision and control of the sheriff in the same manner as deputies of such sheriff are under his supervision and control, which said stenographer shall receive a salary of twelve hundred dollars per annum. He shall also have for use in his office and under his supervision and control a jailer, which office of jailer is hereby, by the terms of this act, expressly created. The said position of jailer to be filled by the sheriff in the same manner as deputies are appointed by him and said jailer is to be at all times as to his duties under the supervision and control of the sheriff in the same manner as deputies of such sheriff are under his supervision and control, which said jailer shall receive a salary of twelve hundred dollars per annum. He shall pay into the county treasury all sums received by him for services of processes issued within his county.

Recorder.

3. The recorder, twenty-seven hundred dollars per annum. He shall have two deputies whose salary shall be eighteen hundred dollars each per annum, and two deputies whose salary shall be fifteen hundred dollars each per annum. He shall have for use in his office and under his supervision and control a statistician for compiling the vital statistics of the county, which office of statistician is hereby, by the terms of this act,

expressly created. The said position of statistician to be filled by the recorder in the same manner as deputies are appointed by him, and said statistician is to be at all times as to his duties under the supervision and control of the recorder in the same manner as deputies of such recorder are under his supervision and control, which said statistician is to receive a salary of twelve hundred dollars per annum. He shall have for use in his office and under his supervision and control an abstract clerk, which office of abstract clerk is hereby, by the terms of this act, expressly created. The said position of abstract clerk to be filled by the recorder in the same manner as deputies are appointed by him and said abstract clerk is to be at all times as to his duties under the supervision and control of the recorder in the same manner as deputies of such recorder are under his supervision and control, which said abstract clerk is to receive a salary of fifteen hundred dollars per annum. He shall have such copyists as are necessary to perform the duties of the office at a compensation of six cents per folio.

4. The auditor, twenty-seven hundred dollars per annum, Auditor. and one deputy at an annual salary of eighteen hundred dollars, and one deputy at an annual salary of twelve hundred dollars. He shall have for use in his office and under his supervision and control a redemption clerk, which office of redemption clerk is hereby, by the terms of this act, expressly created. The said position of redemption clerk to be filled by the auditor in the same manner as deputies are appointed by him and said redemption clerk is to be at all times as to his duties under the supervision and control of the auditor in the same manner as deputies of such auditor are under his supervision and control, which said redemption clerk is to receive a salary of twelve hundred dollars per annum. He may also employ two additional deputies for a period of two months during each year, such additional deputies to receive a salary of one hundred dollars per month during their said employment.

5. The treasurer, twenty-seven hundred dollars per annum. Treasurer. He shall have one deputy at a salary of eighteen hundred dollars per annum, and one deputy at a salary of twelve hundred dollars per annum.

6. The tax collector, twenty-seven hundred dollars per annum. Tax collector. He shall have one deputy who shall act as cashier and receive eighteen hundred dollars per annum; one deputy, who shall receive fifteen hundred dollars per annum; and two deputies at an annual salary of twelve hundred dollars each. He shall have for use in his office and under his supervision and control a bookkeeper, which office of bookkeeper is hereby, by the terms of this act, expressly created. The said position of bookkeeper to be filled by the tax collector in the same manner as deputies are appointed by him and said bookkeeper to be at all times as to his duties under the supervision and control of the tax collector in the same manner as the deputies of such tax col-

lector are under his supervision and control, which said book-keeper is to receive a salary of fifteen hundred dollars per annum. He shall have for use in his office and under his supervision and control a stenographer, which office of stenographer is hereby, by the terms of this act, expressly created. The said position of stenographer to be filled by the tax collector in the same manner as deputies are appointed by him, and said stenographer to be at all times as to his duties under the supervision and control of the tax collector in the same manner as deputies of such tax collector are under his supervision and control, which said stenographer is to receive a salary of nine hundred dollars per annum. He shall also have three additional deputies for a period not to exceed three months during each year at a salary of one hundred dollars per month each.

Assessor.

7. The assessor shall receive four thousand dollars per annum for all services rendered as assessor. He shall have one deputy at an annual salary of eighteen hundred dollars. He shall have for use in his office and under his supervision and control a draftsman, which office of draftsman is hereby, by the terms of this act, expressly created, and whose duty it shall be to, under the supervision and control of the assessor, prepare for use in said office proper books, blanks, maps, and plat books; said position of draftsman to be filled by the assessor in the same manner as deputies are appointed by him, and said draftsman is to be at all times as to his duties under the supervision and control of said assessor, the same as deputies of such assessor are under his supervision and control, which said draftsman shall receive a salary of twelve hundred dollars per annum; and he shall have not exceeding twenty-five deputies for three months in each year, whose per diem shall be four dollars each when actually employed, and eight deputies for six months at a per diem of four dollars when actually employed. He shall have four copyists for a period of six months each at seventy-five dollars per month each during such time and shall also have a stenographer at an annual salary of nine hundred dollars. All sums collected by the assessor or his deputies, as personal property taxes shall be paid into the county treasury monthly as collected, with a statement of account of such collections.

Fees,
Jurors.

8. In counties of this class grand and trial jurors shall receive three dollars per day while engaged in the performance of the duties required of them, and in addition thereto shall receive the mileage now allowed by law.

District
attorney.

9. The district attorney, thirty-six hundred dollars per annum. He shall have one deputy at a salary of twenty-four hundred dollars per annum, and two deputies at a salary of eighteen hundred dollars per annum each. He shall also have a detective at a salary of one hundred and ten dollars per month. He shall have for use in his office and under his supervision and control a stenographer, which office of stenographer is hereby, by the terms of this act, expressly created. The said

position of stenographer to be filled by the district attorney in the same manner as deputies are appointed by him and said stenographer to be at all times, as to his duties, under the supervision and control of the district attorney in the same manner as deputies of such district attorney are under his supervision and control. Said stenographer shall receive a salary of twelve hundred dollars per annum and shall receive no other compensation by reason of services rendered as a stenographic reporter in any action or proceeding wherein the fees or per diem of a stenographic reporter constitute a charge against the county.

10. The coroner, such fees as are now or may hereafter be allowed by law.

11. The public administrator, such fees as are now or may hereafter be allowed by law.

12. The superintendent of schools, two thousand seven hundred dollars per annum. He shall have one deputy at an annual salary of eighteen hundred dollars and one deputy at an annual salary of fifteen hundred dollars. He shall have for use in his office and under his supervision and control one assistant superintendent, which office of assistant superintendent is hereby, by the terms of this act, expressly provided. The said position of assistant superintendent to be filled by the superintendent of schools in the same manner as deputies are appointed and said assistant superintendent of schools to be at all times as to his duties under the supervision and control of the superintendent of schools, which said assistant superintendent is to receive a salary of eighteen hundred dollars per annum. The superintendent and assistant superintendent shall be allowed actual traveling expenses when visiting the schools in the county.

13. The surveyor, two thousand dollars per annum in full compensation for all services as county surveyor, as road viewer or inspector and his actual expenses when at work in the field. He shall have one deputy at an annual salary of eighteen hundred dollars per annum.

14. The registered population of the several judicial townships of this county is hereby determined to be the registered votes as shown by the great register of the county in the office of the county clerk January first, nineteen hundred and thirteen. The salaries of the constables in the several townships shall be determined by the registered voting population as shown by said register at the general election of the preceding even numbered year as follows, to wit:

Judicial Township No. 1	-----	375
Judicial Township No. 2	-----	1,929
Judicial Township No. 3	-----	16,544
Judicial Township No. 4	-----	1,499
Judicial Township No. 5	-----	1,699
Judicial Township No. 6	-----	3,756
Judicial Township No. 7	-----	1,884
Judicial Township No. 8	-----	1,626

Superintendent of schools.

Surveyor.

Population of townships, how determined.

Judicial Township No. 9	731
Judicial Township No. 10	624
Judicial Township No. 11	815
Judicial Township No. 12	436
Judicial Township No. 13	715
Judicial Township No. 14	531

The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid in the month of December biennially.

Townships,
how class-
fied.

14a. For the purpose of regulating the compensation of the constables and justices of the peace, townships of this class of counties are hereby classified according to the registered voting population as shown by the great register of the county. Townships having a registered voting population of 10,000 and more shall belong to and be known as townships of the first class; townships having a like population of 1450 and less than 10,000 shall belong to and be known as townships of the second class; townships having a like population of 600 and less than 1450 shall belong to and be known as townships of the third class; townships having a like population of less than 600 shall belong to and be known as townships of the fourth class.

Justices of
the peace.

14b. Persons now holding the office of justice of the peace and persons now performing the duties of justices of the peace shall during the terms for which they were elected receive the following monthly salaries to be paid each month as the county officers are paid, and the same shall be in full compensation for all services rendered in criminal cases and shall include their office rent, to wit:

In townships of the first class	\$200
In townships of the second class	100
In townships of the third class	75
In townships of the fourth class	60

In addition to the monthly salaries herein allowed each justice of the peace now holding office may during the term for which he was elected receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in criminal actions. From and after the expiration of the terms of office of justices of the peace now holding office, justices of the peace and persons performing the duties of justices of the peace shall receive the following monthly salaries to be paid each month as the county officers are paid, and the same shall be in full compensation for all services rendered in criminal cases and shall include their office rent, to wit:

In townships of the first class	\$200
In townships of the second class	75
In townships of the third class	60
In townships of the fourth class	50

In addition to the monthly salaries last above specified each justice of the peace may receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services rendered by him in civil actions excepting, how-

ever, justices of the peace in townships of the first class which justices of the peace shall pay to the county treasurer once a month all fees collected by them in civil actions and shall be responsible for the collection and payment to the county treasurer of all such civil fees as herein provided. All justices of the peace in townships of this class of counties must pay into the county treasury once a month all fines collected by them in criminal actions.

15. Constables now holding office shall during the terms for which they were elected receive the following monthly salaries to be paid each month as the county officers are paid and to be in full compensation for all services rendered by them in criminal cases, to wit: Constables.

In townships of the first class.....	\$125
In townships of the second class.....	100
In townships of the third class.....	75
In townships of the fourth class.....	60

From and after the expiration of the terms of office of constables now holding office constables shall receive the following monthly salaries to be paid each month as the county officers are paid and to be in full compensation for all services rendered by them in criminal actions, to wit:

In townships of the first class.....	\$100
In townships of the second class.....	75
In townships of the third class.....	60
In townships of the fourth class.....	50

In addition to the monthly salaries above provided each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; *provided, further,* that where any constable is required to go out of his own county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of his own county at the rate of five cents per mile.

16. The supervisors shall receive each the sum of eighteen hundred dollars per annum, payable monthly in installments of one hundred and fifty dollars per month, in full compensation for all services rendered, either as supervisors or road overseers. Supervisors.

17. The salaries of all county and township officers and their deputies shall be payable in installments monthly on the first day of each month. Salaries payable monthly.

CHAPTER 663.

An act to amend section forty-two hundred forty-three of the Political Code relating to the compensation of officers of counties of the fourteenth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section forty-two hundred forty-three of the Political Code of the State of California is hereby amended to read as follows:

Counties,
fourteenth
class,
salaries
of officers.

4243. In counties of the fourteenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County
clerk.

1. The county clerk, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy for each department of the superior court in each of said counties, which offices are hereby created, as provided by section forty-two hundred and ninety of the Political Code of the State of California. Said deputies shall be appointed by said county clerk, shall be court room clerks of said departments, and shall each receive a salary of one hundred dollars per month, which shall be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the county clerk is paid. There shall be also and is hereby allowed to said county clerk one office deputy, which office is hereby created. Said deputy shall be appointed by said county clerk and receive a salary of seventy-five dollars per month, which shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk is paid. In each year in which a new and complete registration of voters is required by law, said county clerk shall appoint an additional deputy or deputies, who shall receive the sum of seven and one half cents per name for taking the affidavits of registration outside of the office of said county clerk, and the claims for their services at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed. All fees and commissions received by this office shall be turned over to the county and become the property of the county. All the provisions in this paragraph are to apply to the present incumbent.

Sheriff.

2. The sheriff, twenty-five hundred dollars per annum and such mileage as is now allowed by law, and also all fees for service of papers in actions arising outside of this county; *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff four deputies, whose offices are hereby created, at a salary of one thousand dollars per

annum each. and who shall be appointed by the sheriff; one of said deputies shall be jailer; two of said deputies shall act as bailiffs of the superior court of said county, one for each department thereof, as provided by section forty-two hundred and ninety of the Political Code of the State of California; and there shall be and hereby is allowed to said sheriff an additional deputy, which office is hereby created, who shall be an office deputy, at a salary of seven hundred and twenty dollars per year, and who shall be appointed by the sheriff. The salaries of all of said deputies shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid. All fees and commissions except as hereinbefore in this paragraph mentioned shall be turned over to the county and become the property of the county. All the provisions of this paragraph are to apply to the present incumbent.

3. The recorder, twenty-two hundred dollars per annum; *Recorder.*
provided, that in counties of this class there shall be and there is hereby allowed the recorder four deputies who shall be appointed by the recorder, and shall be paid the following salaries, to wit: One chief deputy at a salary of one thousand dollars per annum; two deputies at a salary of nine hundred dollars each per annum, and one deputy at a salary of seven hundred and twenty dollars per annum. The salaries of said deputies shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county officers are paid. All fees and commissions received by this office shall be turned over to the county and become the property of the county. All the provisions of this paragraph are to apply to the present incumbent.

4. The auditor, two thousand dollars per annum. In *Auditor.*
 counties of this class the auditor may appoint assistant auditors, which offices are hereby created, and whose compensation shall not exceed the sum of twelve hundred dollars per annum in the aggregate for all assistants so employed; *and provided*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts paid and the persons to whom such compensation has been paid for such assistance as aforesaid. The salaries of assistant auditors herein provided for shall be paid by the said county, at the same time and in the same manner and out of the same funds as the salary of the auditor is paid.

5. The treasurer, fifteen hundred dollars per annum; *pro-* *Treasurer.*
vided, that in counties of this class, there shall be and there hereby is allowed to the treasurer one office deputy, which office is hereby created, at a salary of seventy-five dollars per month, and who shall be appointed by the treasurer. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid; *provided*, that on and after January 1st,

1915, the treasurer shall receive two thousand dollars per annum.

Tax
collector.

6. The tax collector, two thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax collector the following deputies, whose offices are hereby created, and who shall be appointed by the tax collector: One chief deputy, for a period not to exceed nine months in any one year, at a salary of seventy-five dollars per month, and such assistants as the tax collector may appoint; *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of seventeen hundred dollars in any one year; *and provided, further*, that the tax collector shall file with the county auditor a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of the said deputy and assistants herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

Assessor.

7. The assessor, three thousand dollars per annum; *provided*, that in counties of this class there shall be allowed to the assessor the following deputies, whose offices are hereby created, and who shall be appointed by the assessor: One deputy who shall be chief office deputy at a salary of twelve hundred dollars per annum; one office deputy at a salary of seven hundred and twenty dollars per annum, and such field deputies as the assessor may require, and whose compensation in the aggregate shall not exceed five thousand dollars in any one year; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid. The salaries of such deputies shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as county officers are paid. All fees and commissions including commissions on poll taxes, collected by this office shall be turned over to the county and become the property of the county. All the provisions of this paragraph are to apply to the present incumbent.

District
attorney.

8. The district attorney, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the district attorney, two deputies, to be appointed by the district attorney, and who shall be regularly admitted to practice before the courts of the State of California. Each of said deputies shall receive a salary of twelve hundred dollars per annum, which salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the said district attorney is paid. On and after January 1, 1915, there shall be and there is hereby allowed to the district attorney a stenographer to be appointed by the district attorney, at a salary of sixty dollars per month, which said salary shall be paid by said county in equal

monthly installments at the same time and in the same manner and out of the same funds as the salary of the district attorney. All the provisions of this paragraph, except that relating to the creation of the office of stenographer, are to apply to the present incumbent.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, twenty-two hundred and fifty dollars per annum and actual traveling expenses when visiting the schools of the county; *provided*, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools one office deputy, which office is hereby created, at a salary of sixty-five dollars per month, and who shall be appointed by the said superintendent of schools. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid. Superintendent of schools.

12. The surveyor, eight dollars per day when actually employed by the county.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) in townships having a population of more than eight thousand, seventy-five dollars per month; (2) in townships having a population of less than eight thousand and more than five thousand, fifty dollars per month; (3) in townships having a population of less than five thousand and more than two thousand, twenty-five dollars per month; (4) in townships having a population of less than two thousand, ten dollars per month. In addition to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions. On and after January 1, 1915, two thirds of all fees received by this office for celebrating marriages and returning certificates thereof to the county recorder shall be turned over to the county and become the property of the county. Justices of the peace.

14. Constables shall receive the following monthly salaries to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) in townships having a population of more than eight thousand, seventy-five dollars per month; (2) in townships having a population of less than eight thousand, and more than five thousand, fifty dollars per month; (3) in townships having a population of less than five thousand and more than two thousand, twenty-five dollars per month; (4) in townships having a population of less than two thousand, ten dollars per month; Constables.

provided, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Super-
visors.

15. Supervisors, five hundred dollars each per annum, and mileage at the rate of ten cents per mile in going to and coming from the place of meeting of the board, not more than four board meetings per month; and as road commissioner, four dollars per day, not to exceed six hundred dollars per annum in the aggregate.

Live stock
inspector.

16. A live stock inspector, nine hundred dollars per annum, which shall be in full payment for all services rendered by said inspector.

Population
of town-
ships, how
deter-
mined.

17. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be determined by the United States census taken in 1910; *provided*, that the board of supervisors of said county may each four years thereafter cause a census of any or all townships in the county to be taken for the purpose of determining the population of said township or townships upon which to base the salaries of justices of the peace and constables.

Fees,
jurors.

18. In counties of this class grand and trial jurors in superior courts shall receive for each day's attendance, per day the sum of two dollars. In justices' courts in civil cases jurors shall receive for each day's attendance per day the sum of two dollars. In justices' and recorders' courts in criminal cases jurors shall receive for each day's attendance per day the sum of one dollar and fifty cents. And all jurors shall receive for each mile actually and necessarily traveled from their residences to the place of service, in going only, the sum of fifteen cents per mile, such mileage to be allowed but once during any session of the court where such jurors serve; *provided*, that the fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by the municipality in which such court is or may be established.

Constitu-
tionality
of act.

19. If any paragraph, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The legislature hereby declares that it would have passed this section and each paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more paragraphs, sentences, clauses or phrases is declared unconstitutional.

CHAPTER 664.

An act to amend section 4251 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-second class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4251 of the Political Code is hereby amended to read as follows:

4251. In counties of the twenty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Counties,
twenty-
second
class,
salaries
of officers.

1. The county clerk, twenty-five hundred dollars per annum, and when a new register of voters is required by law to be made, he shall receive in addition, fifteen cents per name for each voter registered, which shall be in full for all services required in registering voters and making the great register; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk, one deputy, who shall be appointed by said county clerk, who shall be paid a salary of one hundred dollars per month, and one deputy who shall be appointed by said county clerk, who shall be paid a salary of seventy-five dollars per month, said salaries of said deputies to be paid by said county monthly at the same time and in the same manner and out of the same fund, as the salary of the county clerk is paid.

County
clerk.

2. The sheriff, four thousand, five hundred dollars per annum; and also all fees for service of papers in actions arising out of his county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff a deputy, who shall be appointed by said sheriff, who shall be paid a salary of one hundred dollars per month, said salary to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Sheriff.

3. The recorder, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder, one deputy, who shall be appointed by said recorder, who shall be paid a salary of seventy-five dollars per month, and two copyists, who shall be appointed by said recorder, who shall each be paid a salary of fifty dollars per month, said salaries of said deputies and of said copyist to be paid by said county monthly at the same time and in the same manner and out of the same fund, as the salary of the recorder is paid.

Recorder.

4. The auditor, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the auditor a deputy who shall be appointed by said auditor, who shall be paid a salary of one hundred dollars per month, said salary of said deputy to be paid by said county monthly at the same time and in the same

Auditor.

manner and out of the same fund, as the salary of the auditor is paid.

5. The treasurer, three thousand dollars per annum.

Tax
collector.

6. The tax collector, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector, a deputy, who shall be appointed by said tax collector, who shall be paid a salary of one hundred dollars per month, said salary to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the tax collector a copyist for the period of time embraced between the first day of August and the 31st day of December in each fiscal year, and also for the period of time embraced between the first day of April and the first day of June in each fiscal year. Said copyist shall be appointed by said tax collector, and shall be paid a salary of fifty dollars per month during the period of time said copyist shall be employed, to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

Assessor.

7. The assessor, four thousand dollars per annum, and also such fees and commissions as are allowed by law; *provided, however*, that from and after the first day of January, 1915, in counties of this class the assessor shall receive no commission or compensation for the collection of poll tax or road poll tax; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor, a deputy, who shall be appointed by said assessor, who shall be paid a salary of one hundred dollars per month, to be paid by said county monthly at the same time and in the same manner and out of the same fund, as the salary of the assessor is paid; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the assessor, a copyist for the period of time embraced between the first day of January and the first day of October in each fiscal year, who shall be appointed by said assessor, who shall be paid a salary of seventy-five dollars per month, said salary to be paid by said county monthly during the period of time said copyist shall be employed, at the same time, and in the same manner and out of the same fund as the salary of the assessor is paid.

8. The district attorney, twenty-four hundred dollars per annum.

Superin-
tendent
of schools.

9. The superintendent of schools, twenty-four hundred dollars per annum and actual traveling expenses, when visiting schools of his county; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools, a deputy, who shall be appointed by said superintendent of schools, and who shall be paid a salary of fifty dollars per month, to be paid by said county monthly, at the same time and in the same manner and out of the same fund, as the salary of the superintendent of schools is paid.

10. The coroner, such fees as are now or may be hereafter allowed by law.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law, and in addition thereto three dollars per day for each day's actual attendance in court during a jury trial therein or preliminary examination for felony; *provided*, that no constable shall receive more than three dollars for any one day's attendance on any court. Constables.

15. Each member of the board of supervisors, fifty dollars per month and mileage at the rate of ten cents per mile for traveling to and from his residence to the county seat; and also mileage for his services as road commissioner at the rate of twenty cents per mile one way, for all distances actually traveled in the discharge of his duties as such road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of three hundred dollars. Super-
visors.

16. Each member of the board of education including the secretary, five dollars per day when the board is in session, and ten cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided for by law. Board of
education.

CHAPTER 665.

An act to amend section four thousand two hundred forty-seven of the Political Code of the State of California relative to salaries and fees of officers in counties of the eighteenth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred forty-seven of the Political Code is hereby amended to read as follows:

4247. In counties of the eighteenth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Counties,
eighteenth
class,
salaries
of officers.

1. The county clerk, three thousand three hundred dollars per annum and such fees as are allowed by law; also five hundred dollars additional per annum when a registration of voters is required by law. He shall also be allowed one copyist, which office of copyist is hereby created, who shall receive as compensation the sum of twelve hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid; *and provided, further*, that in any year when a registration of voters is required by law, that said county clerk may appoint such number of depu- County
clerk.

ties, who are hereby designated and shall be known as registration deputies, with full power to register electors as may be necessary for the convenient registration of voters in their respective precincts or townships, each of said registration deputies to receive the sum of ten cents per name for each elector registered by him. The compensation of such registration deputies for such registration of electors shall be paid out of the general fund of the county on a duly verified claim therefor approved by said county clerk and allowed by the board of supervisors of said county.

Sheriff.

2. The sheriff, four thousand five hundred dollars per annum, and the fees or commissions for the service of all papers whatsoever issued by any court outside of the superior court in and for his county. He shall appoint a jailer to take charge of the branch county jail, at a salary of nine hundred dollars per annum and a deputy jailer, at a salary of twelve hundred dollars per annum, who shall act as a jailer for the county jail, and the salaries of which deputies shall be paid by the county in the same manner and out of the same fund as the salaries of the other county officers are paid.

Recorder.

3. The recorder, twenty-four hundred dollars per annum. He shall also be allowed one deputy, which office of deputy recorder is hereby created, who shall receive as compensation the sum of twelve hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid. He shall also be allowed two copyists, which two offices of copyists are hereby created, who shall receive as compensation the sum of six hundred dollars, each per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Auditor.

4. The auditor, twenty-four hundred dollars. The auditor shall also be allowed one deputy auditor, which office of deputy auditor is hereby created, who shall receive as compensation the sum of twelve hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Treasurer.

5. The treasurer, twenty-eight hundred dollars per annum. He shall also be allowed one deputy, which office of deputy treasurer is hereby created, who shall receive as compensation the sum of twelve hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Assessor.

6. The tax collector, three thousand dollars per annum.
7. The assessor, four thousand dollars per annum. He shall also be allowed one deputy, which office of deputy is hereby created, who shall receive as compensation twelve hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid. The assessor shall also be allowed all fees and commissions allowed him by law for collection of personal property taxes and for preparation of roll of persons subject to military duty.

8. The district attorney, twenty-seven hundred dollars per annum. The district attorney shall also be allowed one stenographer, which office of stenographer is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid. District attorney.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, eight hundred dollars per annum.

11. The superintendent of schools, two thousand four hundred dollars per annum, and actual traveling expenses when visiting the schools in his county; *provided*, the superintendent of schools may appoint one assistant superintendent of schools, which office of assistant superintendent of schools is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid. Superintendent of schools.

12. The surveyor shall receive ten dollars per diem for each day actually employed in the performance of his duties as a county officer, and in addition thereto all necessary expenses, such as transportation and pay of help which may be necessary for the performance of county duties. Surveyor.

13. Justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: in townships having a population of six thousand or more, one hundred dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars; in townships having a population of one thousand or less than one thousand five hundred, thirty dollars; in townships having a population of eight hundred and less than one thousand, twenty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as now or may hereafter be allowed by law for all services performed by him in civil actions. Justices of the peace.

14. Constables, the following salaries which shall be paid monthly as salaries of the county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: in townships having a population of one thousand eight hundred and more, one hundred dollars; in townships having a population of one thousand five hundred and less than two thousand one hundred, eighty dollars; in townships having a population of one thousand and less than one Constable.

thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. For the purpose of this section, the basis of calculation for fixing the compensation of justices and constables above mentioned, the population of the different townships of the county shall always be based upon the figures as shown by the last United States census; *provided, however*, that whenever the census of any township or townships shall have been taken under the provisions of this title, said census may become the basis of calculation.

Super-
visors.

15. Each member of the board of supervisors, twelve hundred dollars per annum for all services rendered and including mileage and services as road commissioners; *provided*, that when required to go on business to any point outside of said county, they shall be allowed actual expenses.

Board of
education.

16. Each member of the county board of education shall receive ten cents per mile for traveling from his or her residence to the county seat; *provided*, that mileage be not allowed for more than two meetings in any one month.

In effect,
when.

17. Sections one, three, four, five, seven, eight, eleven and the provisions of section fourteen relating to townships having a population of one thousand eight hundred and more shall go into effect ninety days after final adjournment of the legislature.

Salaries,
full com-
pensation.

The salaries herein allowed are in full compensation for all duties performed by either principals or their deputies and all fees of every kind collected by each officer or his deputy except the assessor and his deputies, as provided in section seven of this act, shall be paid into the county treasury as provided by law, except that of the county clerk, sheriff, assessor, coroner, justices of the peace and constables shall each be allowed the fees and commissions as provided for in subdivisions one, two, seven, nine, thirteen and fourteen, respectively, of this act.

CHAPTER 666.

An act to amend section four thousand two hundred and forty-eight of the Political Code of the State of California relating to the salaries, fees and expenses of officers in counties of the nineteenth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred forty-eight of the Political Code of the State of California is hereby amended to read as follows:

4248. In counties of the nineteenth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Counties,
nineteenth
class,
salaries
of officers.

1. The county clerk, four thousand five hundred dollars per annum; *provided*, that in years when a great register of voters is required by law to be made, the county clerk shall receive in addition to his regular salary the sum of twelve hundred dollars for such service. The said clerk may appoint one chief deputy clerk, which said office of chief deputy clerk is hereby created. The salary of such chief deputy clerk is hereby fixed at twelve hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid.

County
clerk.

2. The sheriff, six thousand dollars per annum.

3. The recorder, three thousand two hundred dollars per annum. The recorder shall also be allowed one copyist to be appointed by himself at a salary of seventy-five dollars per month, to be paid at the same time and in the same manner as the salary of county officers is paid.

Recorder.

4. The auditor, one thousand five hundred dollars per annum.

5. The treasurer, two thousand four hundred dollars per annum.

6. The tax collector, three thousand dollars per annum.

7. The assessor, three thousand five hundred dollars per annum, and the fees and commissions now or hereafter allowed by law. The assessor shall also be allowed the following deputies, to be appointed by him, viz: one deputy for each bona fide increase of two hundred real estate statements made for assessment purposes over and above three thousand of such statements, and not to exceed in all five deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars, for the months of March, April, May and June of each year, the salary of such deputies to be paid in the same manner, and out of the same fund as the assessor, upon the presentation of a certificate that services have been performed, and signed by the assessor.

Assessor.

8. The district attorney, twenty-four hundred dollars per annum; assistant district attorney, fifteen hundred dollars per annum; *provided*, that in counties of this class the district attorney may appoint a stenographer, which office of stenographer to the district attorney is hereby created, and such stenographer shall receive as compensation for his or her services the sum of six hundred dollars per annum, to be paid in equal monthly installments in the same manner, at the same time and out of the same fund as the salary of other county officers is paid.

District
attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent
of schools.

11. The superintendent of schools, two thousand dollars per annum, and his actual traveling expenses when visiting schools, not to exceed ten dollars per district; *provided*, that the said superintendent of schools may appoint one deputy superintendent of schools, which office of deputy superintendent of schools is hereby created, and such deputy shall receive compensation for his or her services the sum of seven hundred twenty dollars per annum, to be paid in equal monthly installments in the same manner, at the same time and out of the same fund as the salary of other county officers is paid.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of
the peace
and constables.

13. In counties of this class the township officers shall receive the following compensation, to wit:

a. In townships having a population of forty-five hundred, or more, each justice of the peace shall receive a salary of one hundred twenty-five dollars per month, and each constable a salary of ninety dollars per month.

b. In townships having a population of two thousand, or more, and less than forty-five hundred, each justice of the peace shall receive a salary of fifty dollars per month, and each constable a salary of sixty dollars per month.

c. In townships having a population of nineteen hundred twenty-five, or more, and less than two thousand, each justice of the peace shall receive a salary of forty dollars per month, and each constable a salary of fifty dollars per month.

d. In townships having a population of eighteen hundred, or more, and less than nineteen hundred twenty-five, each justice of the peace shall receive a salary of thirty dollars per month, and each constable a salary of forty dollars per month.

e. In townships having a population of seven hundred thirty, or more, and less than eighteen hundred, each justice of the peace shall receive a salary of twenty dollars per month, and each constable a salary of twenty-five dollars per month.

f. In townships having a population of less than seven hundred thirty each justice of the peace shall receive a salary of five dollars per month, and each constable a salary of five dollars per month.

The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that each constable shall be allowed and paid the actual expense of transporting prisoners, after conviction, to the county jail, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Said justices of the peace and constables may receive and retain for their own use such fees as are now or may hereafter be allowed by law for all services rendered by them in civil actions.

The salaries of township officers as herein provided for shall be paid in the same manner, at the same time, and out of the same funds that county officers are paid.

For the purposes of this subdivision the population of the several judicial townships is hereby determined to be the population of said townships as shown by the federal census taken in the year A. D. nineteen hundred and ten. Population of townships, how determined.

14. Each member of the board of supervisors, twelve hundred dollars per annum, and mileage when acting as road commissioner, twenty-five cents per mile one way; *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year. Supervisors.

15. Members of the board of education, each the sum of five dollars per day for actual service, together with mileage at ten cents per mile. Board of education.

16. In counties of this class grand jurors and trial jurors in criminal cases in the superior court shall each receive for each day's attendance the sum of three dollars, and the mileage allowed by law. Fees, jurors.

17. Sections eight, eleven, thirteen and sixteen hereof shall become operative as soon as this act takes effect and shall apply to incumbents in office. In effect, when.

CHAPTER 667.

An act to amend section four thousand two hundred eighty-three of the Political Code of the State of California, relating to the salaries of officers of counties of the fifty-fourth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4283 of the Political Code of the State of California is hereby amended to read as follows:

4283. In counties of the fifty-fourth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit: Counties, fifty-fourth class, salaries of officers.

1. The county clerk, fifteen hundred dollars per annum, except in years where a general election is held and in such years he shall receive eighteen hundred dollars per annum. County clerk.

2. The sheriff, thirty-eight hundred dollars per annum.

3. The recorder, twelve hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees so collected shall exceed one hundred dollars in any one month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of one hundred dollars in any one month, so collected; *and provided*, that the recorder may retain for his own use all fees collected for filing and recording proofs of labor and notices of location of mining claims. Recorder.

4. The auditor, six hundred dollars per annum.

5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, one thousand dollars per annum, and ten per cent of all licenses collected by him.

7. The assessor, sixteen hundred dollars per annum.

8. The district attorney, one thousand four hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. Public administrator, such fees as are now or may be hereafter allowed by law.

11. Superintendent of schools, six hundred dollars per annum, and actual traveling expenses of visiting schools of the county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of
the peace.

13. Justices of the peace, one hundred and twenty dollars per annum, and such further compensation as may be provided by ordinance of the board of supervisors.

14. Constables, such fees as are now or may be hereafter allowed by law.

Super-
visors.

15. Supervisors, each the sum of six hundred dollars per annum, for all services performed by them as supervisors and members of the board of equalization. They shall act as road commissioners in their respective districts and shall receive for the service of such road commissioner three dollars per day for each day's service as such road commissioner. Such compensation as road commissioner shall not exceed three hundred dollars per annum.

Fees,
jurors.

16. Grand jurors, and jurors of the superior court in criminal cases shall be paid three dollars per day for each day's attendance and for each mile actually traveled in going only, while acting as such juror, fifteen cents per mile, and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

CHAPTER 668.

An act to amend section four thousand two hundred and seventy of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-first class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred and seventy of the Political Code of the State of California is hereby amended to read as follows:

Counties,
forty-first
class,
salaries
of officers.

4270. In counties of the forty-first class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand five hundred dollars per annum, and one deputy clerk, which office of deputy clerk is hereby expressly created. The office of deputy clerk shall be filled by the clerk by appointment, with the consent of the board of supervisors manifested by at least a four-fifths vote thereof, and said deputy clerk is to be at all times as to his duties under the supervision and control of the clerk, and said deputy clerk shall receive a salary of nine hundred dollars per annum. County clerk.

2. The sheriff, four thousand two hundred and fifty dollars per annum; *provided*, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and provided, further*, that the sheriff shall also receive for his own use and benefit, the mileage, fees, and commissions for all services of all papers whatsoever issued by any court of the state outside of his county. Sheriff.

3. The recorder, one thousand eight hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, five hundred dollars per annum; *provided*, as license collector, he shall, in addition, be entitled to receive, and retain for his own use and benefit, ten per cent on all licenses collected by him. Tax collector.

7. The assessor, one thousand eight hundred dollars per annum. The assessor shall appoint a deputy or deputies when needed, at a per diem of five dollars, but the salaries of such deputy or deputies shall not exceed in the aggregate the sum of twelve hundred and fifty dollars. Assessor.

8. The district attorney, one thousand eight hundred dollars per annum; *provided*, he may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, which expenses shall not exceed three hundred dollars per annum and shall be allowed and paid as a county charge. Superintendent of schools.

12. The surveyor, such fees as are now or may hereafter be allowed by law; *provided*, he shall be given all work for the county in which the county employs one surveyor or civil engineer. Surveyor.

13. In counties of this class, the township officers shall receive the following compensation, to wit: in townships having Justices of the peace and constables.

Justices of
the peace
and con-
stables.

ing a population of three thousand or more, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month. In townships having a population of more than twenty-two hundred and less than three thousand, the justices of the peace shall receive a monthly salary of forty-five dollars per month, and constables a monthly salary of fifty-five dollars per month. In townships having a population of more than eighteen hundred and less than twenty-two hundred, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of fifty dollars per month. In townships having a population of more than fourteen hundred and less than eighteen hundred, justices of the peace shall receive a monthly salary of thirty-five dollars per month, and constables a monthly salary of forty-five dollars per month. In townships having a population of less than fourteen hundred, justices of the peace shall receive a monthly salary of thirty-five dollars per month, and constables a monthly salary of forty dollars per month. The salaries above specified shall be in full compensation of justices of the peace for all services of every kind and description rendered by them whether in criminal or in civil cases, but the salaries of constables as above specified shall be in full compensation for all services in criminal cases only rendered by said constables and they may retain for their own use and benefit the fees allowed by law in civil cases; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as they are now or may be hereafter allowed by law; for transporting prisoners to the county jail, the actual expenses of such transportation; *and provided, further*, that for the purpose of this section the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three and one half ($3\frac{1}{2}$).

Super-
visors.

14. Each supervisor, four hundred dollars per annum, and ten cents per mile for traveling to and from his residence to the county seat at each session; and, unless otherwise provided by law, when serving as road commissioner, three dollars per day. But he shall not in any one year receive more than three hundred dollars for services as such road commissioner.

Fees,
jurors.

15. Grand jurors, and jurors in the superior court in criminal cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled, in going only, while acting as such jurors, twenty-five cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same.

CHAPTER 669.

An act to amend section 4287 of the Political Code of the State of California, relating to the salaries and fees of officers in counties of the fifty-eighth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4287 of the Political Code of the State of California is hereby amended to read as follows:

4287. In counties of the fifty-eighth class county officers shall receive as compensation for services required of them by law, or by virtue of their office the following salaries and compensation, to wit:

1. The county clerk, five hundred dollars per annum.
2. The sheriff, seven hundred dollars per annum.
3. The recorder, five hundred dollars per annum.
4. The auditor, two hundred dollars per annum.
5. The treasurer, six hundred dollars per annum.
6. The tax collector, three hundred dollars per annum.
7. The assessor, six hundred dollars per annum.
8. The district attorney, one thousand dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, two hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each supervisor, five dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat, going only, and only one mileage shall be allowed for any regular session of the board; and when serving as road commissioner, three dollars per day. Such per diem not to exceed the total sum of fifty dollars per annum; *provided, however*, that five per cent only shall be allowed the sheriff or tax collector as fees for collecting licenses in counties of this class.

Counties,
fifty-eighth
class,
salaries
of officers.

Super-
visors.

CHAPTER 670.

An act to amend section four thousand two hundred and seventy-four of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-fifth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred and seventy-four of the Political Code of the State of California is hereby amended to read as follows:

Counties,
forty-fifth
class,
salaries
of officers.

4274. In counties of the forty-fifth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

County
clerk.

1. The county clerk, fifteen hundred dollars per annum and such fees for services in naturalization proceedings as by the act of congress, in such case made and provided, it is said he may retain; and also such other fees as be allowed by the law of this state to retain; and provided, that in each year when a new registration is required he shall receive in addition to his salary the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county; and provided, further, that in counties of this class there shall be and is hereby allowed to the county clerk a deputy, who shall be appointed by the county clerk, who shall be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

Sheriff.

2. The sheriff, three thousand dollars per annum, and fees, commissions and mileage for the service of papers or process served by him in all civil cases from any court, also his necessary expenses for pursuing criminals or transacting any criminal business.

Recorder.

3. The recorder, eighteen hundred dollars per annum, and all fees and commissions allowed by law to the registrar for preparing vital statistics for the State of California and also the sum of twenty-five dollars per annum for preparing the abstract of mortgages for use of the county assessor as required by law; provided, that in counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid.

Auditor.

4. The auditor, nine hundred dollars per annum and five per cent on all amounts found to have been paid out by the county for state aid as per his report as contemplated by section 4099a

of the Political Code of this state or other law providing for such compensation.

5. The treasurer, fifteen hundred dollars per annum; *and* ^{Treasurer.} *provided, further,* that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him in accordance with the law.

6. The tax collector, five hundred dollars per annum and ten per cent on all licenses collected by him as license collector.

7. The assessor, three thousand five hundred dollars per annum and such fees as are now or may hereafter be allowed by law.

8. The district attorney, fifteen hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, eighteen hundred dollars ^{Superintendent of schools.} per annum and actual traveling expenses when visiting the schools of his county and also the sum of five dollars per day for his services as secretary of the board of education for the actual time that the board may be in session.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace who have their offices at the county seat shall receive a salary of thirty dollars per month; justices of the peace whose offices are not at the county seat shall receive a salary of fifteen dollars per month; which said salaries shall be in full compensation for all services of every kind and description rendered by them whether civil or criminal; such salaries shall be payable in like manner and out of the same funds and at like times as the salaries of county officers are paid; all fees payable under the law to such justices of the peace shall be turned over to the county with verified statements of the fees so received, in like manner and at like times as required of county officers. ^{Justices of the peace.}

14. Each constable shall receive the following fees: For ^{Constables.} serving all summons in civil cases, for each defendant, including the copy required by law, one dollar.

For summoning a jury of twelve or less before a justice, one dollar and fifty cents; for each additional juror above twelve, twenty-five cents.

For taking any bond required by law to be taken, fifty cents.

For subpoenaing each witness, twenty-five cents.

For serving an attachment or levying an execution on the property of a defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the rights of property, and making a verdict, two dollars.

For receiving and taking care of property on execution, order or attachment, his actual necessary expenses, to be allowed by the justice who issued the order, attachment or execution upon the affidavit of the constable that the charges are correct and that the expenses were necessarily incurred.

Con-
-tables.

For collecting all sums on execution, three per cent to be charged against the defendant named in the execution.

For serving a warrant or order for the delivery of personal property, or making an arrest in a civil case, one dollar and fifty cents.

For making each arrest in criminal cases, two dollars.

For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the most distant, if they live in the same direction.

For sales of estrays, the same fees as for sales on execution.

For the transportation of prisoners to the county jail the actual necessary expenses.

For attending a justice's court and taking charge of a jury and prisoner when required, two dollars for each day of actual attendance upon the court.

For all other services the same fees as are allowed sheriffs for like service.

Super-
-visors.

15. Each member of the board of supervisors, four hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat, also his actual necessary expenses while acting as ex officio road overseer or commissioner not to exceed three hundred dollars in any one year.

Board of
-education.

16. Each member of the board of education, whether appointed or ex officio, shall receive five dollars per day as compensation for his services while in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board.

Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named in the same manner as other claims against the county are allowed.

The compensation of the members of the county board of education herein provided for is not in addition to that provided in section 1770 of this code.

Fees,
-jurors and
-witnesses.

17. In the superior court juror's fees, and witness fees in criminal cases, shall be as follows:

For attending as a grand juror, for each day's actual attendance per day three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a trial juror in criminal cases, for each day's actual attendance, per day three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the audi-

tor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attendance as a witness in criminal cases for each day's actual attendance the sum of two dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such witness for said per diem and mileage, and the treasurer shall pay the same; *provided, however,* that in criminal cases such per diem and mileage shall only be allowed upon a showing to the court by the witness, that the same are necessary for the expenses of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

CHAPTER 671.

An act to amend section four thousand two hundred sixty-six of the Political Code of the State of California, relating to salaries and fees of officers and fees and mileage of jurors in counties of the thirty-seventh class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred sixty-six of the Political Code of the State of California, is hereby amended to read as follows:

4266. In counties of the thirty-seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

1. The county clerk, twenty-seven hundred dollars per annum; in counties of this class the county clerk may appoint a deputy, which office of deputy county clerk is hereby created, and said deputy shall receive as compensation for his services the sum of twelve hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid.

2. The sheriff, forty-eight hundred dollars per annum, and all mileage now allowed by law.

3. The recorder, twenty-four hundred dollars per annum; *provided,* that in counties of this class, there shall be and there hereby is allowed to the recorder one deputy, which office of deputy county recorder is hereby created, and said deputy shall receive as compensation for his services, the sum of nine hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments in the same manner and at the same time the other county officials are paid.

4. The auditor, two thousand dollars per annum.

5. The treasurer, twenty-five hundred dollars per annum.

Tax collector. 6. The tax collector, two thousand four hundred dollars per annum; and in counties of this class the tax collector may appoint a deputy, which office of deputy tax collector is hereby created; said deputy shall be employed not to exceed six months in each year, and his salary shall be one hundred dollars per month during the time so employed, which shall be paid at the same time and in the same manner as other county officials are paid.

Assessor. 7. The assessor, three thousand dollars per annum; and there is hereby allowed to the assessor, two deputies who shall be employed not to exceed four months in each year, and shall receive a salary of one hundred dollars per month each, during the time so employed.

District attorney. 8. The district attorney, twenty-four hundred dollars per annum, and there is hereby created a new office to be known as stenographer to the district attorney, who shall receive a salary of six hundred dollars per annum, payable monthly at the same time and in the same manner as the salaries of the county officials are paid.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Superintendent of schools. 10. The public administrator, such fees as are now, or may be hereafter allowed by law.

Surveyor. 11. The superintendent of schools, eighteen hundred dollars per annum and actual traveling expenses, when visiting the schools of his county. The superintendent shall be allowed one deputy, which said deputy shall be allowed a salary of fifty dollars per month, to be paid at the same time and in the same manner as other county officials.

Justices of the peace. 12. The surveyor, one thousand five hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors; *provided*, that he shall be entitled to receive from the county his actual expenses incurred in the performance of any order of the court or the board of supervisors; *provided, further*, that whenever the surveyor is directed by the board of supervisors to plat, trace or otherwise, prepare maps, plats or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

Constables. 13. Justices of the peace shall receive the following monthly salaries to be paid each month and in the same manner and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them in criminal cases; in townships having population of more than four thousand, fifty dollars per month; in townships having population less than four thousand and more than twelve hundred, forty dollars per month; in townships having population of less than twelve hundred and more than eight hundred, thirty dollars per month; in townships having population of less than eight hundred, twenty dollars per month, and in all civil cases such fees as are now or may be hereafter allowed by law.

14. Constables shall receive the following monthly salaries to be paid each month and in same manner and out of the

same funds as the county officers are paid, which shall be in full for all services rendered by them in criminal cases; in townships having a population of more than four thousand, fifty dollars per month; in townships having population of less than four thousand and more than twelve hundred, forty dollars per month; in townships having a population of less than twelve hundred and more than eight hundred, thirty dollars per month; in townships having a population of less than eight hundred, twenty dollars per month; and in civil cases such fees as are now or may be hereafter allowed by law. Constables shall also be allowed by the board of supervisors in criminal cases only, necessary traveling expenses, and necessary expense of conveying criminals and persons charged with crime.

15. Each supervisor, twelve hundred dollars per annum, which shall be in full for all services as supervisors and road commissioners; and there shall be allowed to each supervisor necessary traveling expenses when strictly on county business without the county. Supervisors.

16. For the purpose of subdivisions 13 and 14, of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by five the registered vote in each township on the first day of June, 1913. Population of townships, how determined.

17. The fees of grand jurors and trial jurors in the superior court of said counties of the thirty-seventh class, shall be three dollars per day for each day's attendance and mileage, to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor on the written order of the judge of the court in which juror was in attendance, and the treasurer of said county shall pay such warrants. Fees, Jurors.

18. All salaries provided for in this article shall be paid out of the treasury of the county, in monthly installments.

CHAPTER 672.

An act to amend section four thousand two hundred and sixty-four of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fifth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred and sixty-four of the Political Code of the State of California is hereby amended to read as follows:

Section 4264. In counties of the thirty-fifth class, the county officers shall receive, as compensation for the services Counties, thirty-fifth class, salaries of officers.

required of them by law or by virtue of their offices, the following salaries, to wit:

County clerk.

1. The county clerk, three thousand six hundred dollars per annum, and when a new great register of voters is required by law to be made, he shall receive five hundred dollars additional, which shall be in full for all services required in registering voters and making the great register.

2. The sheriff, four thousand five hundred dollars per annum.

3. The recorder, three thousand four hundred dollars per annum.

4. The auditor, two thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, twelve hundred dollars per annum.

Assessor.

7. The assessor, three thousand five hundred dollars per annum and his actual and necessary traveling expenses, when engaged in assessing the property of his county; *provided*, that such traveling expenses shall not, in any one year, exceed the sum of three hundred dollars.

8. The district attorney, two thousand three hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

Surveyor.

12. The county surveyor, one thousand five hundred dollars per annum. he to furnish all necessary instruments; but transportation charges for field work shall be allowed him. He shall not be required to perform county work more than two thirds of the working days in any month, except on payment of fees now allowed by law.

Justices of the peace.

13. Justices of the peace, the following monthly salaries, to be paid each month as county officers are paid, which shall be in full for all services rendered by them in criminal cases: in townships having a population of twenty-five hundred and more, sixty-five dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty dollars; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars; in townships having a population of less than one thousand, ten dollars. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or may hereafter be allowed by law, for all services performed by him in civil actions. In all townships having a population of less than twenty-five hundred if there be more than one justice, the compensation allowed herein shall be equally divided between them so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single justice in such township.

14. Constables, the following salaries, which shall be paid monthly as salaries of county officers are paid, and shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of twenty-five hundred or more, seventy dollars; in townships having a population of fifteen hundred and less than twenty-five hundred, forty-five dollars; in townships having a population of one thousand and less than fifteen hundred, thirty dollars; in townships having a population of less than one thousand, fifteen dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all the services performed by him in civil actions. In all townships having a population of less than twenty-five hundred, if there be more than one constable, the compensation herein allowed shall be equally divided between them, so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single constable in each township. The board of supervisors shall, during each and every year, ascertain and determine the population of the several townships of the county for the purpose of ascertaining the compensation of township officers regulated by this section, in proportion to their duties.

15. Each supervisor, twelve hundred dollars per annum for all services performed by him as supervisor, member of the board of equalization and road commissioner.

CHAPTER 673.

An act to amend the title and an act entitled "An act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent acts." approved March 8, 1909, and as amended by an act approved April 5, 1911.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. The title of an act entitled "An act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State

Title amended.

School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children: providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent acts," approved March 8, 1909, and as amended by an act approved April 5, 1911, is hereby amended to read as follows: "An act concerning neglected, dependent and delinquent persons, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such persons: fixing the salaries of probation officers; providing for detention homes for said persons; providing for the punishment of those responsible for, or contributing to, the neglect, dependency or delinquency of said persons; and giving to the superior court jurisdiction of such offenses, and repealing inconsistent acts."

New title.

Short title.

SEC. 2. Said act is hereby amended to read as follows:
Section 1. This act shall be known as the "juvenile court law" and shall apply only to persons under the age of twenty-one years and not now or hereafter inmates of a state institution.

"Neglected person" defined.

SEC. 2. Within the meaning of this act the words "neglected person" shall include any person:

(1) Whose home by reason of neglect, cruelty or depravity of his parents or either of them, or on the part of his guardian, or on the part of the person in whose care or custody he may be, is an unfit place for such person; or

(2) Whose father is dead or has abandoned his family or is an habitual drunkard, and it appears that such person is destitute of a suitable home, or of adequate means of obtaining an honest living, and is in danger of being brought up to lead an idle and dissolute, or immoral life; or

(3) Who has not the proper care and discipline essential to the welfare of such person, and who is without parent or guardian able or willing to give such care and enforce such discipline; or

(4) Who, being under the age of sixteen years, is found wandering and not having any home or settled place of abode, or any visible means of subsistence; or

(5) Who, being under the age of fifteen years, is in a condition of extreme want, and is without parent or other person able and willing to maintain such person; or

(6) Who, being under the age of fifteen years, is found begging, or receiving or gathering alms in any street, road or public place, or who is there for the purpose of so doing, whether actually begging or doing so under pretext of ped-

dling, or selling any article or articles, or singing or playing any musical instrument, or giving any public entertainment in such street, road or public place, or who accompanies or is used in aid of any person so doing.

Sec. 2a. It is hereby provided that no person shall be dealt with under this act as a neglected person who properly can be dealt with under any other law of the State of California now or hereafter in force providing for the placing, care and custody of neglected persons.

Sec. 3. Within the meaning of this act the words "dependent person" shall include any person:

"Dependent person" defined.

(1) Who has no parent or guardian willing to exercise, or capable of exercising proper parental control, and for the want of such proper parental control such person is wayward and addicted to vicious habits, and is in danger of being brought up to lead an idle and dissolute, or immoral life; or

(2) Who knowingly associates with thieves or other vicious or immoral persons; or

(3) Who is found living or being in any house of prostitution or assignation, knowing at the time that such house is a house of prostitution or assignation; or

(4) Who habitually visits, without parent or guardian, any billiard room or pool room, or any saloon, or place where any spirituous, vinous or malt liquors are sold, bartered or given away; or

(5) Who is incorrigible, that is, who is beyond the control and power of his parents, guardian or custodian by reason of the vicious conduct or nature of said person; or

(6) Who is an habitual truant within the meaning of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of said act," approved March 24, 1903, and any act or acts amending or superseding the same, and who is not placed in a parental school under the provision of said act, or who being over the age of fifteen years refuses to attend public or private school as directed by his parents, guardian or custodian; or

(7) Who habitually uses intoxicating liquor as a beverage; or, who habitually smokes cigarettés; or, who habitually uses opium, cocaine, morphine or other similar drug, without the direction of a competent physician; or

(8) Who from any cause of personal depravity is in danger of growing up to lead an idle and dissolute, or immoral life.

Sec. 4. Within the meaning of this act the word "delinquent person" shall include any person who violates any law of this state, or any ordinance of any town, city, county or city and county of this state, defining crime, and which involves moral turpitude.

"Delinquent person" defined.

Sec. 5. The superior court in every county of this state shall exercise the jurisdiction conferred by this act, and, while sitting in the exercise of its jurisdiction, shall be known and referred to as the "juvenile court," and is hereinafter so referred to. In counties having more than one judge of the superior court, the judges of such court shall annually desig-

Jurisdiction in superior court.

nate one or more of their number whose duty it shall be to hear all cases coming under this act; *provided*, that no judge shall be designated to serve in such capacity for less than one year; and that no judge shall be designated to serve in such capacity who has already or shall hereafter have served for three consecutive years, until an interval of one year has elapsed; *provided, however*, that nothing in this section contained shall be construed in conflict with that portion of article VI, section 6, of the constitution of the State of California, applying to the city and county of San Francisco. The orders and findings, if any, of the superior court, in all cases coming under the provisions of this act, shall be entered in a book to be kept for that purpose and known as the "juvenile court record," and the court when acting under this act shall be called the "juvenile court." All cases coming under the provisions of this act shall be heard at a special or separate session of the court, and no other matter shall be heard at such session, nor shall there be permitted to be present at such session any person on trial or awaiting trial, or under accusation of crime, who does not come under the provisions of this act.

Judge not to serve more than three years.

Juvenile court record.

Who may file petition.

SEC. 6. Any person may file with the clerk of the superior court a petition showing that there is within the county, or residing therein a neglected, dependent or delinquent person, and praying that the superior court deal with such person as provided in this act. Such petition shall be verified and shall contain a statement of facts constituting such neglect, dependency or delinquency, as defined in this act, and the names and residence if known to the petitioner, of the parents or guardian of said neglected, dependent or delinquent person. There shall be no fee for filing such petition.

Citation.

SEC. 7. Upon the filing of the petition provided for in section six hereof, a citation shall issue, requiring the person or persons having the custody or control of the alleged neglected, dependent or delinquent person, or with whom such alleged neglected, dependent or delinquent person may be, to appear with said alleged neglected, dependent or delinquent person at a time and place stated in the citation. Service of such citation must be made at least twenty-four hours before the time stated therein for such appearance. The parents or guardians of said alleged neglected, dependent or delinquent person, if residing within the county in which the court sits, and if their places of residence be known to the petitioner, or if there be neither parent nor guardian so residing, or if their places of residence be not known to the petitioner, then some relative of said alleged neglected, dependent or delinquent person, if any there be residing within said county, and if his residence and relationship to such alleged neglected, dependent or delinquent person be known to petitioner, shall be notified of the proceedings by service of citation requiring him or them to appear at the time and place stated in such citation. In any case the judge may appoint some suitable person to act in behalf of said alleged neglected, dependent or delinquent person, and may order such further notice of the proceedings to be given

Service.

Parents notified.

as he may deem proper. If any person, cited as herein provided, shall fail, without reasonable cause, to appear and abide by the order of the court, or to bring said alleged neglected, dependent or delinquent person, if so required in the citation, such failure shall constitute a contempt of said court and may be punished as provided for in other cases of contempt of court. In case such citation can not be served or the party served fails to obey the same, and in any case in which it shall be made to appear to the court that such citation will probably be ineffective, a warrant of arrest shall issue on the order of the court, either against the parent or guardian, or the person having the custody of said alleged neglected, dependent or delinquent person, or with whom the said alleged neglected, dependent or delinquent person may be, or against the said alleged neglected, dependent or delinquent person himself, or any or all said persons; or if there be no person to be served with citation as above provided, a warrant of arrest may be issued against the said alleged neglected, dependent or delinquent person immediately. On the return of the citation or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Until the final disposition of any case, the said alleged neglected, dependent or delinquent person may be retained in the possession of the person having charge of said person, or may be kept, upon the order of the court, in some suitable place, provided by the county, or may be held otherwise as the court may direct.

Failure to appear.

Warrant of arrest.

Hearing.

SEC. 8. When any alleged neglected person under the age of twenty-one years shall be found by said court or judge to be a neglected person within the meaning of this act, the court shall make such order or orders as may be necessary for the care of said neglected person; *provided, however,* that no such neglected person shall be placed in the care of any family home, association, society, corporation, school or institution, where there are dependent or delinquent persons. When any alleged dependent or delinquent person under the age of twenty-one years shall be found by said court or judge to be dependent or delinquent, within the meaning of this act, the court may make an order committing said dependent or delinquent person, for such time as the court may deem fit but not beyond the time when such dependent or delinquent person shall reach the age of twenty-one years, to the home and care of some reputable person of good moral character, or to the care of some association, society or corporation willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or delinquent children, or to the care of the probation officer, or other person, said dependent or delinquent person to remain in his or her home, or in any other home approved by the court; or the court may, if said dependent or delinquent person be a boy of at least sixteen years of age commit him to the Preston School of Industry, or if under sixteen years of age to the Whittier State School during his minority; or, if a girl, commit her to the Whittier

Care of neglected persons.

Commitment of dependent or delinquent persons.

State School or to any similar state institution for girls until twenty-one years of age; *provided, however*, that such commitment under this act to either the Preston School of Industry or the Whittier State School shall permit the transfer of any boy from one institution to the other upon the agreement thereto by the superintendents of both of such institutions. Accompanying the commitment papers, the court must submit to the superintendent of such institution a record of all the facts in the possession of the court, covering the history of the person committed, including a statement of the mental and physical condition.

Record
of facts.

Return of
incurri-
bles to
court.

Should it develop, either at the time of their presentation, or after having become an inmate thereof, that any dependent or delinquent person, who has been committed to either of such institutions, is an improper person to be there retained, or so incorrigible or so incapable of reformation under the discipline of the school to which such person may be committed as to render his or her retention detrimental to the interests of the school, the superintendent may, with the approval of the board of trustees of such institution return such dependent or delinquent person to the committing court. And in the event of such return, the transportation of such dependent or delinquent person shall be made in the same manner, and the compensation therefor, if any, shall be paid for as is provided for in the execution of an order of commitment to such institution. After making any of the above mentioned orders the court may, from time to time, change or modify the same, or set aside the same, or commit such dependent or delinquent person to such place or institution, and for such time as the court may deem fit, but not beyond the time when such person shall attain the age of twenty-one years.

May
change
order.

Probation
committee.

SEC. 9. The judge of the superior court in and for each county, or city and county, of the state, and in counties where there is more than one judge of the said court, the judges of the superior court in said county shall, by order entered in the minutes of the court, appoint seven discreet citizens of good moral character, not more than four of whom shall be of the same sex, and at least two of whom shall have been mothers, to be known as the "probation committee," and shall fill all vacancies occurring in such committee. So far as possible, there shall not be appointed more than one member of such probation committee from the same vocation, business or profession. The clerk of said court shall immediately notify each person appointed on said committee and thereupon said persons shall appear before the judge of the superior court to whom has been assigned all proceedings under this act and qualify by taking an oath, which shall be entered in said juvenile court records, to perform faithfully the duties of a member of such probation committee.

Term of
office

SEC. 10. The members of such probation committee shall hold office for four years, and until their successors are appointed and qualify; *provided*, that of those first appointed, one shall hold office for one year, two for two years, two

for three years, and two for four years, the terms for which the respective members shall hold office to be determined by lot as soon after their appointment as may be. When any vacancy occurs in any probation committee by expiration of the term of office of any member thereof, his successor shall be appointed to hold office for the term of four years; when any vacancy occurs for any other reason, the appointee shall hold office for the unexpired term of his predecessor.

SEC. 11. The juvenile court or the judge thereof may at any time, and upon request of the county board of supervisors, shall require said probation committee or probation officer to examine into the qualifications and management of any society, association or corporation, other than a state institution, receiving, or applying for, any neglected, dependent or delinquent person under this act, and to report thereon to the court. It shall be the duty of each probation committee to prepare each year one or more reports in writing on the qualifications and management of all societies, associations and corporations, except state institutions, applying for or receiving any neglected, dependent or delinquent person under this act from the courts of their respective counties, and in such report said committee may make such suggestions or comments as to them may seem fit; such report to be filed as a public document with the clerk of the juvenile court appointing such committee. The probation committee shall also make to the court an annual report to be filed as a public document prior to the first day of December, copies of which shall be filed with the county board of supervisors and the state board of charities and corrections. It shall be the duty of the probation committee to exercise a friendly supervision and visitation over the neglected, dependent or delinquent person when so directed by the court, to furnish the court information and assistance whenever required, and, from time to time, to advise and recommend to the court any change or modification of the order made in the case of a neglected, dependent or delinquent person as may be for the best interests of such person. Upon request of the probation officer, any member of the probation committee shall investigate the case of any alleged neglected, dependent or delinquent person coming under the provisions of this act, and render a report thereon to the probation officer. The probation committee shall also have the control and management of the internal affairs of any detention home or branch detention home heretofore or hereafter established by the county board of supervisors; and it shall be the duty of said board of supervisors to provide for the payment of such employees as may be needed in the efficient management of such detention home or branch detention home or homes.

SEC. 12. Members of the probation committee shall serve without compensation, but shall be allowed their reasonable traveling expenses as approved by the judge of the juvenile court; and the same shall be a charge upon the county in which the court appointing them has jurisdiction, and said expenses shall be paid out of the county treasury upon a written order

of the judge of the juvenile court of said county directing the county auditor to draw his warrant upon the county treasurer for the specified amount of such expenses. All orders by the juvenile court judge upon the county treasury shall be filed in duplicate with the county board of supervisors.

Probation
officers.

SEC. 13. There shall be appointed, as hereinafter provided, a probation officer in every county, and he may appoint as many deputies as he may desire; *provided, however*, that such deputies shall not have authority to act until their appointment shall have been approved by a majority vote of the probation committee, and by the judge of the juvenile court. The term of office of such deputies shall expire with the expiration of the term of office of the probation officer making such appointments; but either the probation officer, or the probation committee by a majority vote, or the judge of the juvenile court, may at any time in his or their discretion, revoke and terminate any such appointment. Such deputies, except as hereinafter provided, shall serve without compensation. Every probation officer and every assistant probation officer receiving an official salary shall, at the time that he files his oath of office, file with the county clerk of the county his official bond approved by the judge of the juvenile court. The judge of the juvenile court shall have authority by an order entered in the minutes of said court to determine and fix the amount of bonds of the probation officer of the county and of his assistants. If said bonds, or any of them, are furnished by any surety company licensed to transact business in the State of California, the premium thereon shall be paid out of the county treasury.

Officers
created.

SEC. 14. The offices of probation officer and assistant probation officer are hereby created. The probation officers and assistant probation officers to serve hereunder in any county shall be nominated by the probation committee in such manner as the judge of the juvenile court in the respective counties shall direct; and the appointment of such probation officers and assistant probation officers shall then be made by the judge of the respective juvenile courts. The term of office of the probation officers and assistant probation officers shall be two years from the date of their said appointments. All probation officers and assistant probation officers receiving a salary of seventy-five dollars or more per month shall devote their entire time and attention to the duties of their offices, and no such probation officer or assistant probation officer, while holding such office and receiving salary therefor, shall be a candidate or seek the nomination for any other public office or employment, and no person shall be appointed to and receive the salary attached to such office of either probation officer or assistant probation officer who is related to the judge of the juvenile court or to a member of the probation committee of such county, by consanguinity or affinity, within the third degree, computed according to the rules of law. Such probation officers and assistant probation officers may at any time be removed by the judge of the juvenile court for good cause shown; *provided*, that no such probation officer or assistant

Term.

Salary.

Removal.

probation officer shall be removed unless he has been furnished with a specific statement in writing of the reasons for such removal, said statement to be signed by the judge of the juvenile court and by a majority of the probation committee.

SEC. 14a. In counties of the first class there shall be one probation officer and twenty-five assistant probation officers. In counties of first class. The salaries of said officers shall be as follows: Probation officer, two hundred and twenty-five dollars per month; one assistant probation officer, one hundred and seventy-five dollars per month; one assistant probation officer, one hundred and sixty-two dollars per month; eighteen probation officers, one hundred dollars per month; one assistant probation officer to act as probation officer's clerk, seventy-five dollars per month; one assistant probation officer to act as probation officer's clerk, eighty-five dollars per month; one assistant probation officer to act as stenographer to the probation officer in clerical work, seventy-five dollars per month; one assistant probation officer to act as bookkeeper, seventy-five dollars per month; one assistant probation officer to act as telephone exchange operator and stenographer, sixty-five dollars per month.

SEC. 14b. In counties, or cities and counties of the second class there shall be one probation officer and such assistant probation officers, as may be determined by the board of supervisors or other legislative body of such counties or cities and counties, and said probation officers shall receive such salaries as may be fixed by the board of supervisors or other legislative body of such counties or cities and counties. In counties of second class.

SEC. 14c. In counties of the third class there shall be one probation officer and eight assistant probation officers. In counties of third class. The salaries of said officers shall be as follows: Probation officer, two hundred dollars per month; one assistant probation officer, one hundred and seventy-five dollars per month; one assistant probation officer, one hundred and sixty dollars per month; one assistant probation officer, one hundred and fifty dollars per month; one assistant probation officer, one hundred and twenty-five dollars per month; two assistant probation officers, each one hundred dollars per month; two assistant probation officers, each seventy-five dollars per month. Probation officers.

SEC. 14d. In counties of the fourth class there shall be one probation officer, one assistant probation officer and one deputy probation officer who shall act as clerk. The salaries of said officers shall be as follows: Probation officer, one hundred and fifty dollars per month; assistant probation officer, one hundred dollars per month; deputy probation officer, seventy-five dollars per month.

SEC. 14e. In counties of the fifth class there shall be one probation officer, whose salary shall be one hundred and fifty dollars per month; and one assistant probation officer, whose salary shall be one hundred and twenty-five dollars per month. In counties of the fourteenth class there shall be one probation officer, whose salary shall be one hundred and twenty-five dollars per month.

Probation
officers.

SEC. 14*f*. In counties of the sixth class there shall be one probation officer and three assistant probation officers. The salaries of such officers shall be as follows: Probation officer, one hundred and seventy-five dollars per month; one assistant probation officer, one hundred and fifty dollars per month; one assistant probation officer, one hundred dollars per month; and one assistant probation officer to act as probation officer's clerk, one hundred dollars per month.

SEC. 14*g*. In counties of the seventh class there shall be one probation officer and two assistant probation officers. The salaries of said officers shall be as follows: Probation officer, one hundred and seventy-five dollars per month; one assistant probation officer, one hundred and twenty dollars per month; and one assistant probation officer, one hundred dollars per month.

SEC. 14*h*. In counties of the eighth class there shall be one probation officer, whose salary shall be one hundred dollars per month.

SEC. 14*i*. In counties of the ninth class there shall be one probation officer and two assistant probation officers. The salaries of said officers shall be as follows: Probation officer, one hundred dollars per month; one assistant probation officer, seventy-five dollars per month; and one assistant probation officer, fifty dollars per month.

SEC. 14*j*. In counties of the tenth class there shall be one probation officer who shall maintain an office in the courthouse at the county seat. The salary of said probation officer shall be one hundred and fifty dollars per month.

SEC. 14*k*. In each of the counties of the eleventh, twelfth, thirteenth, seventeenth, eighteenth, twenty-third, twenty-fifth, twenty-sixth, twenty-seventh, and thirty-third classes, there shall be one probation officer. The salary of each of said probation officers shall be one hundred dollars per month. In counties of the thirteenth class, there shall be one assistant probation officer, whose salary shall be twenty-five dollars per month. In counties of the eighteenth class, there shall be four assistant probation officers, whose salary shall be twenty-five dollars per month each. In counties of the twenty-sixth class, there shall be one assistant probation officer, whose salary shall be forty dollars per month.

SEC. 14*l*. In counties of the thirty-fifth class there shall be one probation officer who shall maintain an office in the courthouse at the county seat. The salary of said probation officer shall be one hundred dollars per month.

SEC. 14*m*. In each of the counties of the fifteenth class there shall be one probation officer. The salary of said probation officer shall be eighty dollars per month.

SEC. 14*n*. In each of the counties of the sixteenth, nineteenth, twentieth, twenty-second, thirtieth and thirty-second classes there shall be one probation officer. The salary of each of said probation officers shall be fifty dollars per month.

SEC. 14*p*. In counties of the thirty-fourth class there shall

be one probation officer. The salary of said probation officer shall be eighty dollars per month. Probation officers.

SEC. 14q. In counties of the thirty-first class there shall be one probation officer. The salary of said probation officer shall be sixty dollars per month.

SEC. 14r. In each of the counties of the twenty-first, thirty-ninth and forty-second classes, there shall be one probation officer. The salary of each of said probation officers shall be fifty dollars per month.

SEC. 14s. In counties of the thirty-eighth class there shall be one probation officer and one assistant probation officer. The salary of said officers shall be as follows: Probation officer, seventy dollars per month; assistant probation officer, fifty dollars per month.

SEC. 14t. In counties of the forty-eighth class there shall be one probation officer whose salary shall be twenty-five dollars per month.

SEC. 14u. In each of the counties of the forty-fourth, fiftieth, fifty-second, and fifty-fifth classes there shall be one probation officer. The salary of each of said probation officers shall be ten dollars per month.

SEC. 14v. In each of the counties of the fifty-seventh and fifty-eighth classes there shall be one probation officer. The salary of each of said probation officers shall be five dollars per month.

SEC. 14z. In every other county than those heretofore expressly enumerated the salary of the probation officer shall be thirty-five dollars per month.

SEC. 15. The salaries of all probation officers and assistant probation officers shall be paid out of the county treasury of the county for which they are appointed, respectively, in the same manner as the salaries of the county officers. Payment of salaries and expenses. The probation officers and assistant probation officers and deputy probation officers in all counties of the state shall be allowed such necessary incidental expenses incurred in the performance of their duties as required by any laws of the State of California as may be authorized by the judge of the juvenile court; and the same shall be a charge upon the county in which the court appointing them has jurisdiction, and said expenses shall be paid out of the county treasury upon a written order of the judge of the juvenile court of said county directing the county auditor to draw his warrant upon the county treasurer for the specific amount of such expenses. The probation officer and the clerk of the juvenile court shall each keep a classified list of expenses and file a duplicate copy with the county board of supervisors.

SEC. 16. It shall be the duty of the clerk of any court before which an alleged neglected, dependent or delinquent person is brought under the provisions of this act, before hearing, to notify the probation officer of the county thereof. Duty of clerk.

SEC. 17. The probation officer shall inquire into the antecedents, character, family history, environment and cause of Duties of probation officers.

dependency or delinquency of every alleged neglected, dependent or delinquent person brought before the juvenile court, and shall make his report in writing to the judge thereof; it shall also be the duty of said probation officer, to be present in court in order to represent the interests of the neglected, dependent or delinquent person when the case is heard, and to furnish to the court such information and assistance as it may require and to make such report at such time; and to take charge of said neglected, dependent or delinquent person before and after the hearing as may be ordered. Whenever any person is declared neglected, dependent or delinquent under the provisions of this act, and is placed in or committed to the care and custody of the probation officer, the case may be transferred to the juvenile court of any county of this state, in which such person resides or to which such person shall remove, and such court shall thereafter have entire jurisdiction over said case. Every probation officer, assistant probation officer and deputy probation officer shall have the powers of a peace officer. At any time the probation officer may bring any neglected, dependent or delinquent person placed in or committed to his care before the court for such further or other action as the court may deem proper. Before any neglected person is replaced, or any dependent or delinquent person is recommitted, the probation officer shall inquire into the reasons assigned for such action and shall be present in court in order to represent the interests of such person. Every probation officer shall have the powers of a school attendance officer, in such portions of the county, in which such probation officer has been appointed, as are not otherwise provided with a school attendance officer, and shall exercise such powers when not inconsistent with his other duties. Every probation officer, within fifteen days after the thirtieth day of June, and within fifteen days after the thirty-first day of December, of each year, shall make in writing and file as a public document a report to the judge of the juvenile court of the county in which such probation officer is appointed, and shall furnish to the county board of supervisors and to the secretary of the state board of charities and corrections of this state a copy thereof. Such report without giving names shall state separately the exact number of neglected, dependent and delinquent persons, segregating male and female, who have been committed by such juvenile court to the care and custody of such probation officer, and the exact number of such persons who are wards of such juvenile court, but of whose cases other disposition has been made, as such number exists deducting all cases dismissed, or where such person has passed the age of twenty-one years upon such thirtieth day of June and such thirty-first day of December, segregating such persons as having been adjudged by such juvenile court to be neglected, dependent or delinquent, as the case may be, in 1903, 1904, 1905 and so on, up to and including the calendar year in which such report is made and filed. Any of the duties of a probation officer may be per-

Powers of
school at-
tendance
officer.

Report.

formed by an assistant or deputy probation officer, and shall be so performed whenever directed by the probation officer; and it shall be the duty of the probation officer to see that his assistant and deputy probation officers perform their duties.

Duties may be performed by assistant.

SEC. 18. Whenever a deposition or complaint shall be filed in any court other than a superior court, charging a person with a crime and it shall be suggested to the judge, justice or recorder before whom such person is brought that the person charged is under the age of eighteen years, said judge, justice or recorder shall immediately suspend all proceedings against such person on said charge and examine into the age of such person, and if, from such examination, it shall appear to the satisfaction of said judge, justice or recorder that such person is under the age above specified, he shall forthwith certify to the juvenile court of his county (a) that said person (naming him) is charged with such crime (briefly stating its nature); (b) that such person appears to be under the age of eighteen years, giving date of birth when known, and (c) the suspension of proceedings against such person on such charge by reason of his age, with the date of such suspension; and immediately thereupon all proceedings against the said person on said charge shall be suspended until said juvenile court shall issue its mandate, as hereinafter provided, directing the court before which said charge was made to proceed with the examination into or trial thereof, and the court so suspending its proceedings shall forthwith cause such person to be taken before the juvenile court of the county for consideration and proceedings under this act. When such person shall be brought before the judge of the juvenile court said judge shall cause a complaint to be filed as provided in section 6 of this act and shall fix a time for considering said matter and shall cause citation to be issued, as provided in section 9 of this act. Pending such hearing, said judge may admit such person to bail or otherwise provide for his temporary custody in any manner provided herein for the care of a delinquent person after the finding of his delinquency. The judge of said juvenile court may further investigate the age of such person and may also inquire into the condition and care of such person and make such orders for his disposition under the provisions of this act as he may deem proper. If said judge shall, after such investigation, decide that the person was at the time said offense was alleged to have been committed of the age of eighteen years or more, such determination shall be conclusive and he shall immediately issue his mandate directing the court before which such charge is pending to proceed therewith, and upon receipt of such mandate said court shall proceed with the examination or trial of said charge as though no suspension thereof had taken place; *provided, however*, that if the court shall find that the person so charged is under the age of twenty-one years but a fit subject for consideration under the provisions of this act, he may make such order or orders hereunder as he may deem best in relation to such person; *pro-*

Cases of persons under 18 to be transferred to juvenile court.

Bail pending hearing.

If person be found to be 18 or over.

Person
may be
remanded.

vided, further, however, that if such judge shall at any time conclude that such person is not a fit subject for further consideration under this act, he may remand such person to the court in which said person is charged with said offense for further proceedings on said charge, and upon receipt of the mandate of said juvenile court, or the judge thereof, the court before which said charge is then pending shall be vested with full authority to proceed with the examination or trial thereof.

Statute of
limitation
suspended.

All statutes of limitations relating to the charge so pending against such person shall be suspended as to said person and charge from the issuance by said judge, justice or recorder of his certificate hereinbefore provided for until said juvenile court, or judge thereof, shall issue its mandate remanding such person for further proceedings as aforesaid; and all statutes of limitation relating to any charge, made in any court, against any person under the age of twenty-one years, shall be suspended as to such charge and person whenever, and as long as, such person is before the juvenile court for consideration under the provisions of this act, or is detained by virtue of any commitment issued hereunder and unrevoked; *provided, however,* that if said delinquent person shall be discharged by the juvenile court as reformed, such order of discharge shall constitute a bar to any further proceedings in any court against said delinquent person upon said charge.

Petition
that per-
son under
21 is neg-
lected, etc.

SEC. 19. Whenever it is claimed that any person under the age of twenty-one years is a neglected, dependent or delinquent person as defined in this act, a verified petition shall be filed in the juvenile court of the county wherein said alleged neglect, dependency or delinquency occurred, stating such neglect, dependency or delinquency and the facts constituting the same, and that said neglected, dependent or delinquent person is under the age of twenty-one years, and praying that the said court shall adjudge said person to be a neglected, dependent or delinquent person within the meaning of this act. Notice shall be given of the time and place of hearing as in the case of a person alleged to be a neglected, dependent or delinquent person, and the petition shall be heard at the time and place designated by the juvenile court. If the court shall adjudge said person to be a neglected, dependent or delinquent person, within the meaning of this act, such order shall be made as is meet in the premises, as in this act provided.

Notice.

Prosecu-
tion under
general
law.

If upon said hearing said court shall determine that a delinquent person is not a fit and proper subject to be dealt with under the reformatory provisions of this act, said court may dismiss the petition hereunder and direct that such delinquent person be prosecuted under the general law. No dependent or delinquent person under eighteen years of age shall be prosecuted for crime until the matter has first been submitted to the juvenile court by petition as herein provided, or by certificate of the lower court as provided in section sixteen hereof.

Persons
18 to 21
accused of
felony.

SEC. 20. Whenever any person over the age of eighteen years and under the age of twenty-one years is accused of a felony, and the indictment or information has been filed in

the superior court of the county wherein the crime was committed, charging said person with the commission of said felony, the judge may, in his discretion, with the consent of the accused, or upon his request, arrest said proceeding at the time of arraignment or at any time previous to the impanelment of a jury, except where the crime charged is a capital offense, and may proceed to investigate the charge against the defendant, and all the facts and circumstances necessary to determine the proper disposition to be made of said person, and shall determine whether said person shall be dealt with as a delinquent under the provisions of this act. If the court is satisfied upon such investigation that said person should be declared a delinquent and should be dealt with under this act, it may make such order as herein provided for the disposition of delinquent persons. If such person thereafter prove not to be amenable to the discipline of the state school to which he may be committed, and the trustees thereof shall determine that said person should be committed to a state penitentiary, such person shall be returned to the custody of the sheriff of the country in which such crime was committed, and thereafter proceedings shall be had upon the indictment or information commencing at the point at which proceedings were arrested; and said person shall be tried for the offense alleged in the information, and if convicted shall be sent to the penitentiary for such time as the court may determine, or otherwise dealt with in accordance with the law for dealing with persons convicted of a felony. If no request is made by the defendant for proceedings under this statute, or if the defendant desires a trial by jury, or if the judge declines to consent to the application of the defendant for proceedings under this statute, said cause shall proceed in the ordinary manner up to the verdict of guilty or not guilty as the case may be. If said person is convicted, the court may thereafter receive such evidence as may be offered, touching the question as to whether or not said person should be dealt with as a delinquent in the manner hereinbefore provided in case of the application and consent of the accused before trial, and may make such order of probation or commitment to said state schools, and may from time to time modify said probation orders, as is herein provided in the case of persons adjudged delinquent. If such person during the period of his commitment to said state institution, proves to be incorrigible or not amenable to the discipline of such institution, and it shall be deemed advisable in the judgment of the trustees of such institution that said person be sent to the penitentiary, then said person shall be returned to the superior court in which the verdict was rendered, for sentence, and thereupon the court shall pronounce judgment.

Persons
not amen-
able to
state
schools.

Trial in
ordinary
manner.

May be
transferred
to peni-
tentiary

SEC. 21. In the case of a person alleged to be delinquent within the meaning of this act, the juvenile court may, pending the hearing, at any time before the person is adjudged delinquent or otherwise disposed of, order that said person be detained in any detention home, provided for that purpose by

Custody of
person
pending
hearing.

any county or it may be otherwise temporarily provided for as to the court may seem fit in any manner provided herein for the care of a person after the termination of his delinquency.

Care of
persons
found de-
pendent or
delin-
quent.

SEC. 22. If the court find a person to be dependent or delinquent, then the court may commit such person to the care and custody of the probation officer and may allow the said person to remain in the home of said person, subject to the visitation of a probation officer, and such person shall report to the probation officer as often as may be required, and be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable, or the court may commit the person to the care and custody of the probation officer, to be placed in a suitable family home subject to the supervision of said probation officer and the further order of the court; or it may order the probation officer to board out the person in some suitable family home in case provision is made by voluntary contribution or otherwise for the payment of the board of said person until suitable provision may be made for said person in a home without such payment; or the court may commit said person for such time until such person arrives at the age of twenty-one years as to the court may seem fit, to the care and custody of some association, society or corporation that will receive him, embracing within its objects the care of dependent or delinquent children; or the court may commit said person to a state school as hereinbefore provided, or to such other state institution as may be authorized by law to receive it; *provided, further,* that should the legislative body of the county provide a suitable place for the detention of dependent or delinquent persons which they are hereby authorized and required to do, such dependent or delinquent persons may be committed thereto after the adjudication of dependency or delinquency for a definite period to be specified in such order, at the end of which time said person shall be brought before the court for further order of court. The court may thereafter set aside, change or modify said order and provide for a further detention in said place. The court shall retain the jurisdiction of any person who is found to be dependent or delinquent until such person attains his majority, or if a girl, until she attains the age of twenty-one years, unless she is married with the consent of the court, or until said court is satisfied that said person has fully reformed and that further direction and supervision under the provisions of this act are unnecessary for said person's reformation. If a boy, under the age of sixteen years, said person may be committed by said court to the Whittier State School or if over the age of sixteen years, the Preston State School of Industry at any time during his minority for the period of his minority. If a girl, she may be committed to the said Whittier State School at any time before she is twenty-one years of age until she is twenty-one years of age. Such person may be committed to any other institution now or hereafter provided by the state for such persons. Upon the return of said

Jurisdiction
of
court
until per-
son is 21.

Commit-
ment to
state
schools

person to the custody of the juvenile court, if said person be accused of felony, it shall be the duty of the judge of said court to sit as a committing magistrate and hold the preliminary examination of such person, and if upon said hearing he shall determine that there is probable cause to believe that the said person has committed the offense charged in the petition theretofore filed in said court, he shall hold such person to answer to the superior court, and thereupon, the usual proceedings shall be had for the trial of said case in the superior court after the filing of the information in pursuance to said order of said judge sitting as a committing magistrate, and said person shall be tried by court and jury in the usual manner for the trial of a felony; *provided, however*, that no minor under the age of fourteen years at the time of the commission of the offense with which he is charged shall ever be sent to a penitentiary until he has first been committed to the Whittier State School or the Preston State School of Industry and has there proved to be incorrigible or not amenable to the discipline of said school. No minor who is under the age of eight years and no one who is suffering from any contagious, infectious or other disease which would probably endanger the lives or health of the other inmates of said state schools shall be committed thereto. No person shall be committed to said state schools unless the judge of said court shall be fully satisfied that the mental and physical condition and qualifications of said person are such as to render it probable that such person will be benefited by the reformatory educational discipline of such schools.

Examination of person accused of felony

Minor under 14 not to be committed to penitentiary.

SEC. 23. Any order providing for the custody of a neglected, dependent or delinquent person may provide that the expense of maintaining such person shall be paid by the parent or parents or guardian of such person, and in such case shall state the amount to be so paid, and shall determine whether or not the parent or parents or guardian shall exercise any control of said person, and define the extent thereof. Any disobedience of such order or interference with the custody of the person as therein determined shall constitute a contempt of court. It shall be the duty of the probation officer to investigate and report in writing at the first session of the juvenile court held after the first days of January, April, July and October of each year, whether said orders have been obeyed. If it be found, however, that the parent or parents or guardian of a neglected, dependent or delinquent person is unable to pay the whole expense of maintaining such person, the court may, in the order providing for the custody of such person, direct such additional amount as may be necessary to support such person to be paid from the county treasury of the county for the support of such person, the amount so ordered to be paid from the treasury of said county not to exceed, in case of any one person the sum of eleven dollars per month; *provided*, that no order for the payment of all or part of the expense of support and maintenance of a neglected, dependent or delinquent person from the county treasury shall be effec-

Expense of maintaining neglected, etc., persons.

Parents unable to pay expenses

tive for more than six months, unless a new order is secured at the expiration of that period. The court may thereafter set aside, change or modify any order herein provided for. All orders by the juvenile court judge upon the county treasury shall be filed in duplicate with the county board of supervisors.

Orders
may be
changed.

Parole
system not
affected.

Private
hearing.

Person
under 16
not to be
committed
to jail
before con-
viction.

Detention
homes.

SEC. 24. Any order made by the court in case of a dependent or delinquent person may at any time be changed, modified or set aside as to the judge may seem meet and proper. Nothing in this act contained shall be deemed to interfere with the system of parole and discharge that is now or may hereafter be provided by law, or by rule of the board of trustees of the Whittier State School and the Preston State School of Industry, respectively, for the parole and discharge of dependent and delinquent persons committed to the said schools or to any similar state institutions hereafter created, or with the internal management of the said schools, save that the court committing a person to either of said schools may thereafter change, modify or set aside said order of commitment upon ten days' notice of the hearing of the application therefor being served by United States mail upon the superintendent of the said school to which said person had previously been committed.

SEC. 25. Any alleged neglected, dependent or delinquent person may have a private hearing upon the question of his neglect, dependency or delinquency, and upon the request of said person or said persons and either of his parents or guardian, such hearing may be had privately in the manner provided by law for private hearings at preliminary examinations. An order of court adjudging a person neglected, dependent or delinquent under the provisions of this act shall in no case be deemed to be a conviction of crime.

SEC. 26. No court, judge, magistrate or peace officer shall commit a person under sixteen years of age to any jail or prison, before trial and conviction, but if any such person is not released pending such hearing, he may be committed to the care and custody of a sheriff, constable or other peace officer, who shall keep such person in a detention home or some other suitable place outside of the enclosure of any jail or prison, as the court may direct. When any person under sixteen years of age shall be sentenced to confinement in any institution to which adult convicts or prisoners are sentenced or confined, it shall be unlawful to confine such persons in the same room, yard or enclosure with such adult convicts or prisoners, or to permit such person to come or remain in contact with such adult convicts or prisoners.

SEC. 27. It shall be the duty of the legislative body of every county, or city and county, immediately upon this act becoming effective, to provide and thereafter maintain, at the expense of such county, or city and county, in a location approved by the judge of the juvenile court, a suitable house or place to be known as the "detention home" of said county, or city and county, for the detention of dependent and delinquent persons. Such detention home must not be in, or con-

nected with, any jail or prison, and shall be conducted in all respects as nearly like a home as possible and shall not be deemed to be or treated as a penal institution. Such legislative body must also provide for a suitable superintendent and matron to have charge of such detention home, and for such other employees as may be needed in the efficient management of such detention home, and provide for the payment, out of the general fund of the county, or city and county, of suitable salaries for such superintendent and matron, and such other employees, such superintendent, matron and other employees to be appointed by said legislative body, upon the nomination of the probation committee and approval of the judge of the juvenile court. The superintendent of the detention home shall keep a classified list of expenses, and file a duplicate copy with the county board of supervisors. The superintendent, matron or other employee of such detention home may, at any time, be removed by the probation committee, in its discretion.

Superintendent.

SEC. 28. Any person who shall commit any act or omit the performance of any duty, which act or omission causes or tends to cause, encourage or contribute to the dependency or delinquency of any person under the age of twenty-one years, as defined by any law of this state, or any person who shall, by any act or omission, threats or commands or persuasion, endeavor to induce any such person, under twenty-one years of age, to do or to perform any act or follow any course of conduct, or to so live as would cause or manifestly tend to cause any such person to become, or to remain a dependent or delinquent person, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the county jail for not more than one year, or by both such fine and imprisonment, and the superior court, sitting as juvenile court, shall have original jurisdiction of all such misdemeanors; but no person shall be tried on the charge of contributing to the dependency and delinquency of any person under the age of twenty-one years, before the same judge who has heard or before whom is pending the case of the person under the age of twenty-one years to whose dependency or delinquency such person is alleged to have contributed.

Penalty for encouraging delinquency.

SEC. 29. This act shall be liberally construed to the end that its purpose may be carried out, to wit: That the care, custody and discipline of a neglected, dependent or delinquent person as defined in this act shall approximate as nearly as may be that which should be given by his parents, and in all cases where it can be properly done, the neglected, dependent or delinquent person as defined in this act shall be placed in an approved family, with people of the same or similar religious belief, and become a member of the family, by legal adoption or otherwise, or if placed in the care of or committed to an association, society, corporation, school or institution, then to one of the same or similar religious belief. No neglected, dependent or delinquent person as defined in this act shall be taken from the custody of his parent or legal guardian, without the consent

Construction of act.

Not to be taken from custody of parents, etc.

of such parent or guardian, unless the court shall find such parent or guardian to be incapable of providing, or to have failed or neglected to provide proper maintenance, training and education for said person; and in no case unless the parent or guardian to be incapable of providing, or to have failed or neglected to provide proper maintenance, training and education for said person; and in no case unless the parent or guardian has been duly notified to be present in court before or at the time of placement or commitment or recommitment, or unless said person if dependent or delinquent has been tried on probation in said custody, and has failed to reform. In this act words used in any gender shall include all other genders, and the word "county" shall include "city and county," the plural shall include the singular and the singular shall include the plural.

Appeal.

SEC. 30. An appeal to the district court of appeal shall lie from any decision and judgment of the juvenile court. The party appealing shall serve on the opposite party and file a notice of such appeal within fifteen days from the day of rendition of the judgment from which the appeal is taken. It is hereby made the duty of the judge of the juvenile court when such an appeal is taken, to find the facts of the case based upon a preponderance of evidence in the form of a special finding and the appellate court shall pass upon the sufficiency of the evidence to sustain the judgment rendered. In case the party appealing, questions the sufficiency of the evidence to warrant the findings made by the court, such evidence shall be incorporated in a bill of exceptions prepared by the appellant within fifteen days after the notice of appeal shall have been served on the opposite party and filed as aforesaid. The opposite party shall within ten days prepare and serve on appellant proposed amendments to such bill of exceptions, which amendments shall be settled by the judge within five days thereafter. Within ten days after the settlement of said bill of exceptions, the appellant shall engross the same and serve a copy on the opposite party and also on the attorney general, and file the original thereof, together with proof of service as herein required endorsed thereon, with the clerk of the juvenile court who shall immediately transmit the same to the court to which the appeal is taken with his certificate that such bill of exceptions is correctly engrossed. An assignment of error that the decision of the juvenile court is contrary to law shall be sufficient to present both a sufficiency of the facts found to sustain the judgment and a sufficiency of the evidence to justify the findings. Appeals from the juvenile court shall have precedence in the court to which such appeal is taken over all other cases. The prosecution and appeal of such cases shall be governed as to costs and as to all other matters not herein provided for by the statutes governing appeals and criminal causes.

Acts superseded.

SEC. 31. This act shall supersede all provisions of the act entitled "An act to establish a state reform school for juvenile offenders, and to make an appropriation therefor," approved

March 11, 1889, and all amendments thereto, and all provisions of the act entitled "An act to establish a school of industry, to provide for the maintenance and management of same, and to make an appropriation therefor," approved March 11, 1889, and all amendments thereto, relating to the mode of commitments to the institutions therein named; but said acts shall control as to all matters concerning the management of said institutions, respectively.

SEC. 32. An act entitled "An act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this act, and prescribing the duties of such boards; and providing when proceedings under this act shall be admissible in evidence." approved February 26, 1903; and the amendments thereto, approved March 22, 1905, and March 27, 1907, are hereby repealed; *provided, however,* that all orders and judgments made heretofore under said act shall continue in full force and effect, and that the court shall retain jurisdiction of all children heretofore declared dependent or delinquent, and such children shall be hereafter dealt with in the same manner as if such orders had been made under the provisions of this act, and all proceedings now pending shall be continued under the provisions of this act. All children now on probation from justice courts shall remain on probation for the period fixed in the judgment, and if required may be certified to the superior court in the manner in said act provided. When so certified the said certificate shall be dealt with in the same manner as herein provided for a petition alleging delinquency.

Repealed.

Saving clause.

CHAPTER 674.

An act to amend section 4235 of the Political Code of the State of California, relating to the compensation and fees of officers of counties of the sixth class and their assistants, deputies and clerks.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 4235 of the Political Code of the State of California is hereby amended to read as follows:

4235. In counties of the sixth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum, and also such compensation as are now or may hereafter

Counties, sixth class, salaries of officers.

County clerk.

County
clerk.

be allowed by law; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk, the following deputies, clerks and assistants, to be appointed by said county clerk, which positions are hereby created, and the salaries of which are hereby fixed as follows: one chief deputy county clerk, twenty-one hundred dollars per annum; two additional deputies, fifteen hundred dollars each per annum; two deputies to act as index clerks, twelve hundred dollars each per annum; two deputies to act as stenographers, twelve hundred dollars each per annum; three deputies to act as copyists, twelve hundred dollars each per annum; three court room clerks, one thousand five hundred dollars each per annum; one deputy who shall be the registrar of voters, two thousand four hundred dollars per annum; one deputy who shall be the assistant registrar of voters, fifteen hundred dollars per annum; and a deputy or deputies not to exceed five, for the purpose of registering electors, to be paid not to exceed four dollars per diem each; *provided*, that said deputies so employed for registering electors shall not be employed except during a year when a general election is to be held throughout the state and then only between the first day of February and the fifteenth day of November of said year; and such deputies as may be needed for the purpose of registering electors in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants, who shall be paid fifteen cents per name for each person legally registered by such deputy; *provided, further*, that whenever a municipal, special state, or special county election, is held, the county clerk, in counties of this class, shall be, and he is hereby allowed the following additional help: five clerks for a period of, and not exceeding, sixty days, preceding such elections, whose salaries shall not exceed four dollars per diem each. The salaries and compensations of each of said deputies, clerks and assistants to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

Sheriff.

2. The sheriff shall receive three thousand six hundred dollars per annum salary; the sheriff shall also receive for his own use the fees for mileage which are now, or which may hereafter, be allowed by law, and the fees and commissions for the service of all papers whatsoever issued by any court of the state outside of said county, and shall also receive his necessary expenses in all criminal cases. The sheriff shall also be paid twelve and one half cents per meal each for all meals furnished prisoners confined in the county jail. That in counties of this class there shall be and there is hereby allowed to the sheriff the following deputies, jailers and bailiffs, to be appointed by the said sheriff which positions are hereby created and the salaries of which are hereby fixed as follows:

One deputy who shall act as under-sheriff at a salary of twenty-one hundred dollars per annum; three deputies who shall act as jailers at a salary of thirteen hundred and twenty

dollars per annum each; three deputies who shall act as criminal deputies at a salary of fifteen hundred dollars per annum each and three deputies who shall act as bailiffs at a salary of thirteen hundred and twenty dollars per annum each.

One matron to attend female prisoners at a salary of ninety dollars (\$90.00) per month; one engineer or fireman to attend to the heating apparatus of the county jail at a salary of ninety dollars (\$90.00) per month.

All deputies herein mentioned shall be paid at the same time and manner that their principal is paid.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the recorder, which said positions are hereby created, the following deputies, clerks and copyists, who shall be appointed by such recorder and shall be paid salaries and compensations as follows: one chief deputy, at a salary of two thousand one hundred dollars per annum; one comparing clerk at a salary of fifteen hundred dollars per annum; one mortgage clerk, at a salary of twelve hundred dollars per annum; one index clerk, at a salary of fifteen hundred dollars per annum. Said recorder may also appoint such copyists, not to exceed four, as may be required for the recording of all papers, notices or documents in his office, who shall receive as compensation for their services, the sum of twelve hundred dollars each per annum; said recorder may also appoint two filing clerks, at a salary of twelve hundred dollars each per annum. The salaries and compensations of all deputies, clerks and copyists herein provided for, each of whom shall be a deputy county recorder, shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid. Recorder.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed, to the auditor, which said positions are hereby created, the following deputies who shall be appointed by the auditor of such county, and shall be paid salaries and compensation as follows: one chief deputy at a salary of twenty-one hundred dollars per annum; one redemption and index deputy at a salary of eighteen hundred dollars per annum; one warrant deputy at a salary of eighteen hundred dollars per annum, and such additional assistants as the auditor may require and whose compensation shall not exceed nine hundred dollars per annum in the aggregate for all assistance so rendered: *provided*, that a verified statement showing in detail the amounts paid and the persons to whom and the purpose for which such compensation has been paid for such additional assistants, as aforesaid, shall be filed with the county clerk, and the auditor shall certify thereon to the correctness of said claim. The salaries herein provided for shall be paid by the said county in equal monthly installments Auditor.

at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer.

5. The treasurer, thirty-six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the following deputies, to be appointed by said treasurer, which positions are hereby created: one deputy who shall be the assistant treasurer who shall receive a salary of twenty-one hundred dollars per annum; one deputy to act as warrant clerk at a salary of eighteen hundred dollars per annum, the salaries of each said assistant and clerk to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials. It is hereby further provided that in counties of this class the treasurer shall receive the commission heretofore or hereafter allowed by law.

Tax collector.

6. The tax collector, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax collector, the following deputies, bookkeepers and assistants to be appointed by said tax collector, which positions are hereby created: one chief deputy at a salary of eighteen hundred dollars per annum; one office deputy at a salary of fifteen hundred dollars per annum and one bookkeeper at a salary of fifteen hundred dollars per annum; and one deputy, which office is hereby created, who shall be correspondence and mail clerk at a salary of twelve hundred dollars per annum; *provided, further*, that the tax collector shall have two additional deputy tax collectors to serve as such for a period of six months in each year and who shall receive a salary of one hundred dollars per month, also three additional deputy tax collectors to serve as such for a period of three months in each year and who shall receive a salary of one hundred dollars each per month, also one additional deputy tax collector to serve as cashier for two months in each year and who shall receive a salary of one hundred dollars each per month, all of which shall be paid by the county. The salaries of all deputies, assistants, and bookkeepers herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the tax collector is paid.

License collector.

7. The license collector, one thousand eight hundred dollars per annum. Said license collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties and he shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Assessor.

8. The assessor four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, clerks and assistants, to be appointed by said assessor, which positions are hereby created, and the salaries of which are hereby fixed as follows: one assistant county assessor at twenty-one hundred dollars per annum; one chief deputy assessor, eighteen

hundred dollars per annum; one office deputy assessor, fifteen hundred dollars per annum; one city real estate valuation deputy, fifteen hundred dollars per annum; one country real estate valuation deputy, for not exceeding eight months in any one year, at a salary of one hundred and twenty-five dollars per month; one mortgage and transfer assistant assessor, twelve hundred dollars per annum; one field deputy assessor, for not exceeding six months in any one year, at a salary of one hundred and twenty-five dollars per month; one head country field deputy, for not exceeding four months in any one year, at a salary of one hundred and fifty dollars per month; one head city field deputy, for not exceeding four months in any one year at a salary of one hundred and twenty-five dollars per month; six field deputy assessors, for not exceeding four months in any one year, at a salary of one hundred and twenty-five dollars each per month; ten field deputy assessors, for not exceeding four months in any one year, at a salary of one hundred dollars per month each; two clerks, for not exceeding two months in any one year, at a salary of one hundred dollars each per month. The salaries of the assistant county assessor, chief deputy assessor, office deputy assessor, city real estate valuation deputy, country real estate valuation deputy, head country field deputy, head city field deputy, clerks, mortgage and transfer assistant assessor, and field deputy assessors herein provided for shall be paid by the said county in monthly installments at the same time, manner and out of the same fund as the county assessor is paid. It is hereby further provided that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes.

9. The district attorney, five thousand dollars per annum: *provided*, that in counties of this class there shall be, and there is hereby created and allowed to the district attorney, the following assistant, deputies and employees, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: one assistant district attorney, whose salary is hereby fixed at the sum of thirty-six hundred dollars per annum; one chief deputy district attorney, whose salary is hereby fixed at the sum of twenty-seven hundred dollars per annum; one deputy district attorney, whose salary is hereby fixed at the sum of twenty-one hundred dollars per annum; one deputy district attorney, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum, whose duty it shall be, in addition to performing services as deputy district attorney, to attend preliminary examinations held in all police and justice courts in the county and conduct on behalf of the people all prosecutions for felonies at such preliminary examinations, and, also, to attend and appear before the juvenile court of said county and prosecute proceedings therein; one clerk, who shall be a stenographer, whose

District
attorney.

salary is hereby fixed at the sum of twelve hundred dollars per annum; one county detective, who shall perform such duties as may be required of him by the district attorney or by the ordinances of the board of supervisors of the county, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; *provided, further*, that in addition to the salary herein fixed for said county detective he shall be allowed and paid the actual and necessary expenses incurred by him in the performance of his official duties; *provided, further*, that the said county detective shall file with the board of supervisors, a verified statement and claim showing in detail the amount paid, and the persons to whom and the purpose for which such payments were made; *and provided, further*, that in counties of this class the district attorney, in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the investigation and detection of crime and the prosecution of criminal cases and in civil actions and proceedings, and all other matters in which the county is interested, all of which said charges and expenses so incurred by him shall be a legal charge against the county.

Coroner.

10. The coroner, such fees as are now or may be hereafter allowed by law; *provided*, the coroner, or other officer holding an inquest upon the body of a deceased person may subpoena a chemist to make an analysis of the contents of the stomach or tissues of the body, or a physician or surgeon to inspect the body, or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under his directions. The coroner in counties of this class shall be and he is hereby allowed the following assistants, namely, one deputy and one stenographer, which offices are hereby created; said deputy shall have the power and it shall be his duty when directed by the coroner to hold inquests, and all such power conferred by law upon the coroner may be exercised by said deputy, who shall receive a salary of twelve hundred dollars per annum: the salary of said stenographer shall be fifteen hundred dollars per annum, which salary shall be in full for all services rendered by him as such stenographer. Said stenographer shall take down in shorthand the testimony of witnesses at inquests and shall transcribe the same into longhand and file a verified copy thereof with the county clerk. The salaries of said deputy and stenographer shall be paid by the county in the same manner, at the same time and out of the same fund as other county officers are paid. The said deputy coroner and the said stenographer shall each be appointed by the coroner.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

12. The superintendent of schools, three thousand dollars per annum, and actual traveling expenses when visiting schools of the county, not exceeding five hundred dollars per annum; and the said superintendent of schools may appoint one assistant superintendent of schools, which office of assistant superintendent of schools is hereby created, who shall receive as compensation the sum of two thousand one hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid. Each member of the board of education of the county shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education of said county shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of the said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed, at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of members of the county board of education of this county hereby provided is not in addition to that provided in section seventeen hundred and seventy of this code.

Superintendent of schools.

13. The surveyor, two thousand four hundred dollars per annum and in addition thereto all necessary expenses for work performed in the office and all necessary expenses and transportation for work performed in the field; *provided*, that in counties of this class whenever the board of supervisors shall order or the assessor may require assessor's map or block books, then the surveyor shall receive, in addition to the salary above noted, the sum of fifteen hundred dollars additional expenses required for the preparation and completion of said maps or block books.

Surveyor.

14. In counties of this class justices of the peace shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz:

Justices of the peace.

(1) In townships having a population of 25,000 or more, justices of the peace shall each receive a salary of three hundred (\$300) dollars per month as full compensation for all services rendered by them in both criminal cases and in civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

(2) In townships having a population of 5,000 and less than 25,000, justices of the peace shall receive the sum of one hundred and forty (\$140) dollars per month as full compen-

Justices of
the peace.

sation for all services rendered by them in both criminal cases and civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

(3) In townships having a population of 3,000 and less than 5,000, justices of the peace shall each receive the sum of one hundred and twenty-five (\$125) dollars as full compensation for all services rendered by them in both criminal cases and civil cases and in all cases wherein the justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

(4) In townships having a population of 2,000 and less than 3,000, justices of the peace shall each receive the sum of one hundred (\$100) dollars per month as full compensation for all services rendered by them in both criminal cases and in civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

(5) In townships having a population of 900 and less than 2,000, justices of the peace shall each receive the sum of seventy-five dollars per month as full compensation for all services rendered by them in both criminal cases and in civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury.

(6) In townships having a population of less than 900, justices of the peace shall each receive the sum of fifty (\$50) dollars per month as full compensation for all services rendered by them in both criminal cases and in civil cases and in all cases wherein justices of the peace perform the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury; *provided, however*, that justices of the peace in townships contiguous to municipalities containing 25,000 or more inhabitants or in which a penal institution is located shall be allowed a salary of one hundred and forty (\$140) dollars a month each as full compensation for all services rendered by them in both criminal and civil cases and in all cases wherein the justices of the peace perform the duties of coroner, and all fees chargeable and collectible by said justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. The population referred to in classifying

the townships for the purpose of regulating the compensation of justices of the peace shall be the population found and determined by the federal census taken in the year 1910; *provided*, that if the township census be taken after the taking of the federal census under the provision of section 4055, then said census shall be known and shall become the official census of the township in which the same is taken, and the population therein determined shall be and become the official population of such township.

15. Constables, in townships having a population of between nine hundred and one thousand, and between twenty-two hundred and twenty-four hundred inhabitants, as found and determined by the last preceding federal census, shall be allowed a salary of seventy-five dollars per month each and fifteen cents per mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases. In all other townships, constables, such fees as are now or may be hereafter allowed by law, except that the constables in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred and twenty-five dollars per month each, in lieu of all fees in criminal cases; *provided, further*, that constables in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located, shall be allowed a salary of one hundred dollars per month each, and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases; *provided, further*, that constables, in townships not contiguous to municipalities containing twenty-five thousand or more inhabitants, and constables in townships in which a state penal institution is not located, shall receive in addition to the fees now provided by law three dollars per diem for each day in actual attendance on the court in criminal cases, and fifteen cents per mile for each mile actually traveled in taking prisoners to the county jail. The salary of the constables as above provided to be paid at the same time and in the same manner as county officers are paid.

Constables.

16. Each supervisor, one hundred and twenty-five dollars per month, and ten cents per mile for traveling to and from the county seat; *provided*, mileage shall not be allowed oftener than once in each month.

Supervisors.

17. The offices of recorder and auditor shall be separate and shall not be consolidated by the board of supervisors.

18. For attending as a juror in the superior court, for each day's attendance, per diem three dollars. For each mile actually traveled in attending court as juror, in going only, per mile, twenty-five cents.

Fees, jurors.

19. In counties of this class there may be a county analyst, to be appointed by the board of supervisors, who shall receive a salary of not less than fifty dollars per month, to be paid at the same time and in the same manner as other county officers are paid. He shall furnish his own laboratory. He

Analyst.

shall perform such service as may be required by the district attorney, coroner, or by ordinances of the board of supervisors. He shall have been a resident of the county for at least two years and shall be a graduate of a recognized university or technical school and shall have had at least three years experience in forensic and analytical chemistry.

Office furnished township officers.

20. In townships containing twenty thousand or more inhabitants the board of supervisors shall furnish the justice of the peace and the constables of such townships an office, to be occupied by such justice and constables jointly.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

CHAPTER 675.

An act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California relating to the salaries, fees and expenses of officers in counties of the third class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred and thirty-two of the Political Code of the State of California is hereby amended to read as follows:

Counties, third class, salaries of officers.

4232. In counties of the third class, the county and township officers shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries:

County clerk.

1. The county clerk, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one judgment clerk, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one assistant judgment clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; six court room deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one index clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one document clerk, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one clerk to the board of supervisors, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one registration clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one deputy, who shall also act as court room clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; four deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; four copyists, whose salaries are hereby fixed at the sum of twelve hundred dollars

per annum each, and two stenographers, whose salaries are hereby fixed at the sum of nine hundred dollars per annum each; all the foregoing deputies, clerks, copyists and stenographers, herein provided for, shall be appointed by the clerk of said county, and their salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk; *provided, further*, that in such years as the compilation of a great register of voters is required by law to be made, the county clerk in counties of this class shall be, and he is hereby, allowed the following additional help: Ten clerks for a period of and not exceeding six months, whose salaries are hereby fixed at one hundred dollars per month each; ten clerks for a period of not exceeding one month, whose salaries are hereby fixed at one hundred dollars per month each; and also for any such year at least one additional deputy in each voting precinct in the county, who shall be a qualified elector of such precinct, for the purpose of registering electors, such additional deputies shall be paid five cents per name for each elector legally registered by them, in the same manner as other county claims are paid; *and provided, further*, that if no help is allowed to county clerks under the direct primary law, the county clerk in counties of this class, in such years as a general state direct primary election is held, shall be and he is hereby allowed the following additional help: Ten clerks for a period of and not exceeding two months immediately next preceding the direct primary election day, whose salaries are hereby fixed at one hundred dollars per month each; such clerks shall be appointed by the county clerk of said county, and during their respective periods of employment their salaries shall be paid by such county in equal monthly installments, at the same time and in the same manner and out of the same fund as is the salary of the county clerk of such county.

2. The sheriff, four thousand dollars per annum; *provided, Sheriff.* that in counties of this class there shall be and there hereby is allowed to the sheriff, one under-sheriff, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one deputy, who shall be a bookkeeper for the sheriff's office, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one deputy, who shall be assistant bookkeeper for the sheriff's office, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one deputy for office, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; two deputies, who shall be detectives for the sheriff, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; two deputies, who shall be transportation men, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; seven deputies, who shall be bailiffs, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one deputy, who shall be a stenographer, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one

Sheriff. deputy, who shall be chief jailer, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; two deputies, who shall be assistant jailers, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; six deputies, who shall be turnkeys at the jail, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one matron for the jail, whose salary is hereby fixed at the sum of nine hundred dollars per annum; one assistant matron, for a period not to exceed two weeks in any one year, and to serve only during the vacation of the matron, at a salary of thirty-seven and one half dollars for such two weeks; one engineer for the jail, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one assistant engineer for the jail, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; *provided, further*, that the under-sheriff, all deputies, bookkeepers, office deputy, detectives, transportation men, bailiffs, stenographer, chief jailer, assistant jailers, turnkeys, matron, and assistant matron for the jail, engineer and assistant engineer herein provided for shall be appointed by the sheriff and their salaries shall be paid by the said county in equal monthly installments, at the same time, and in the same manner and out of the same fund as the salary of the sheriff; the sheriff shall also receive the amount of money necessarily expended by him in serving all process and notices and all expenses necessarily incurred by him in the pursuit of criminals and the same shall be a charge against the county and allowed as such by the board of supervisors and paid as other county charges are paid.

Recorder. 3. The recorder, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the recorder the following deputies and copyists, who shall be appointed by the recorder of such county and shall be paid salaries and compensations as follows: One chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; three deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; five deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; four deputies, who shall be comparers, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one deputy, who shall be a stenographer, whose salary is hereby fixed at the sum of nine hundred dollars per annum; *provided, further*, that the salary of the chief deputy and the salaries of the deputies and comparers and stenographer herein provided for shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder; *provided, further*, that in counties of this class, the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents and records in his office not to exceed six and three fourths cents per folio for longhand recording and not to exceed four and one

half cents per folio for typewritten recording for each paper or document so recorded; *and provided, further*, that said recorder shall file monthly with the county auditor a sworn statement showing in detail the persons, and the amount paid to each for such recording.

4. The auditor, thirty-six hundred dollars per annum; *pro-* Auditor.
vided, that in counties of this class there shall be and there hereby is allowed to the auditor, one chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one redemption deputy, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; three deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one deputy whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one stenographer, whose salary is hereby fixed at the sum of nine hundred dollars per annum, and such additional assistants as the auditor may appoint and whose compensation shall not in the aggregate exceed the sum of two thousand dollars per annum; *and provided*, that the auditor shall file with the county clerk a sworn statement showing in detail the amounts paid and the persons to whom said compensation is paid for such extra assistance as aforesaid; *provided, further*, that the chief deputy, redemption deputy, deputies and stenographer shall be appointed by the auditor of said county and their salaries shall be paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as is the salary of the auditor; *and provided, further*, that from and after the first Monday after the first day of January, nineteen hundred and fifteen, the auditor shall receive a salary of four thousand dollars per annum and shall be and hereby is allowed the deputies and assistants herein specified and at the salaries herein provided for each.

5. The treasurer, four thousand dollars per annum; *pro-* Treasurer.
vided, that in counties of this class there shall be, and there hereby is allowed to the treasurer one chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one deputy, whose salary is hereby fixed at the sum of twenty-one hundred dollars per annum; two deputies, whose salaries are hereby fixed at the sum of eighteen hundred dollars per annum each, which sums shall be paid by said county in equal monthly installments at the same time and in the same manner, and out of the same fund as is the salary of the treasurer; *provided*, that the chief deputy and the three deputies herein provided for shall be appointed by the treasurer of said county; *provided, further*, that from and after the first Monday after the first day of January, 1915, the treasurer shall receive a salary of six thousand dollars per annum and shall be and hereby is allowed the deputies and assistants herein specified and at the salaries herein provided for each; *and provided, further*, that from and after the first Monday after the first day of January,

1915, all commissions and fees required or permitted by any law of this state, or of the United States, to be collected by the treasurer either as an officer or ex officio officer, his deputies or assistants, for the performance of any official duty, shall be collected for the benefit of the county and shall be paid into the general fund of the county monthly.

Tax
collector.

6. The tax collector, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector one chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one cashier, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; two assistant cashiers, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one chief clerk, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; two correspondence clerks, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one bookkeeper, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one state lands clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one stenographer, whose salary is hereby fixed at the sum of nine hundred dollars per annum; *provided, further*, that there shall be and there hereby is allowed to the tax collector three extra deputies for a period not to exceed eight months in any one year, at a salary of one hundred dollars per month each; six extra deputies for a period not to exceed five months in any one year, at a salary of one hundred dollars per month each; six extra deputies for a period not to exceed four months in any one year, at a salary of one hundred dollars per month each; *provided, further*, that in counties of this class the tax collector shall appoint six persons to be known as indexers, which office is hereby created, and whose duties it shall be under the supervision and direction of the tax collector to compile, make out, and complete an index of the assessment rolls of the county, and of the sanitary assessment rolls for each sanitary district in the county of Alameda, yearly, commencing with the year nineteen hundred and nine, as soon as said rolls are completed by the assessor of the county and each assessor of said sanitary districts and for each year thereafter, the said indexes to be a public record for use of the tax collector and the general public and to be kept in the office of the tax collector during the collection of taxes and to be turned over to the auditor at the same time as the assessment rolls are turned over in the final settlement of the tax collector with the county auditor. Such indexers shall be paid a salary of one hundred dollars per month each, payable at the same time and in the same manner as other county officers are paid, but such indexers shall not be employed to exceed four months in any one year; *provided, further*, that the chief deputy, the stenographer, and all other deputies herein provided for shall be appointed by the tax collector of said county, and the sal-

aries of said chief deputy, stenographer, and all deputies herein provided for shall be paid by said county during the time which they shall hold office as herein provided at the same time and in the same manner and out of the same fund as the salary of the tax collector.

7. The license collector shall receive fifteen per cent of all licenses collected by him.

8. The assessor, seven thousand dollars per annum and necessary traveling expenses in the performance of the duties of his office; *provided*, that in counties of this class there shall be, and there hereby is allowed to the assessor, the following assistants, deputies and employees who shall be appointed by the assessor and shall be paid salaries as follows: One assistant assessor, whose salary is hereby fixed at the sum of three thousand dollars per annum; one chief deputy, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum; one head city deputy, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one assistant city deputy, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one assistant city deputy, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one building inspector, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; two assistant building inspectors, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; one cashier, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one assistant cashier and bookkeeper, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one record deputy, who shall be a stenographer, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one head district deputy, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; three district deputies, whose salaries are hereby fixed at the sum of sixteen hundred and twenty dollars per annum each; four district deputies, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; six copyists, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; four comparers, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; eight deputies for a period not to exceed six months in any one year, whose salaries are hereby fixed at the sum of one hundred dollars per month each; two district deputies for a period not to exceed six months in any one year, whose salaries are hereby fixed at the sum of one hundred and fifty dollars per month each; six field deputies for a period not to exceed six months in any one year, whose salaries are hereby fixed at the sum of one hundred dollars per month each; and such additional deputies as the assessor may appoint and whose compensation shall not in the aggregate exceed the sum of four thousand five hundred dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified state-

Assessor. ment showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistants as aforesaid. The salaries herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *provided, however*, that should the assessor be directed by any law or by any order of the board of supervisors, or by any municipality within said counties of the third class to prepare maps, plats or block-books for the use of the county or assessment rolls for the use of any municipality, then said assessor shall make such maps, plats, or block-books, or assessment rolls for the use of any municipality, but shall only receive the actual cost by him incurred in making or preparing said maps, plats, block-books or assessment rolls; *and provided, further*, that he shall file with the county auditor a sworn statement showing the persons to whom and the amounts paid to each for such maps, plats, block-books or assessment rolls, and shall account forthwith and pay over to the county any difference between such costs and the amount allowed him for such work; *and provided, further*, that the salaries herein named shall be in full compensation for all services of every kind and description rendered by the assessor, his deputies and assistants; *and it is further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned by him as subject to military duty as provided by section 1901 of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll taxes and road poll taxes shall be allowed to such counties on their settlement with the state and be and remain the property of such counties.

District
attorney.

9. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the district attorney the following assistant, deputies and employees, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: One assistant district attorney, whose salary is hereby fixed at the sum of two hundred and seventy-five dollars per month; one chief deputy district attorney, whose salary is hereby fixed at the sum of two hundred and fifty dollars per month; two deputies district attorney, whose salaries are hereby fixed at the sum of two hundred and twenty-five dollars per month each; two deputies district attorney, whose salaries are hereby fixed at the sum of two hundred dollars per month each; two deputies district attorney, whose salaries are hereby fixed at the sum of one hundred and seventy-five dollars per month each; two deputies district attorney, whose salaries are hereby fixed at the sum of two hundred dollars per month each, whose duty it shall be, in addition to performing services as deputies

district attorney, to attend the sessions of the police courts in cities of the second class and conduct, on behalf of the people, all prosecutions for public offenses of which said police courts shall have jurisdiction; one clerk, whose salary is hereby fixed at the sum of one hundred and twenty-five dollars per month; one process server, whose salary is hereby fixed at the sum of one hundred dollars per month; three stenographers, whose salaries are hereby fixed at the sum of seventy-five dollars per month each; one detective, who shall assist the district attorney in the detection of crime and prosecution of criminal cases, whose salary is hereby fixed at the sum of one hundred and seventy-five dollars per month; *and provided, further*, that nothing herein contained shall be construed to prevent the boards of supervisors of counties of this class from employing special counsel when in the judgment of said boards the interests of said county require it. The salaries of said assistants, deputies, clerk, detective, process server, stenographers and special counsel in this subdivision provided for shall be payable by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

10. The coroner, four thousand dollars per annum and his necessary traveling expenses as follows: Ten cents per mile for distance actually traveled outside the cities of Oakland, Berkeley, Alameda, Piedmont, Emeryville and San Leandro, said traveling expenses not to exceed twenty dollars in any one calendar month; *provided, further*, that in counties of this class, there shall be, and there hereby is, allowed to the coroner one autopsy physician and surgeon, whose salary is hereby affixed at the sum of eighteen hundred dollars per annum, who shall perform all autopsies and inspections in all cases required by the coroner except that where the distance from the county seat exceeds twenty miles the coroner may subpoena a physician or surgeon to perform such autopsy or to inspect the body; one deputy, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, and one stenographer, whose salary is hereby fixed at the sum of twenty-four hundred dollars per annum and who shall be paid, in addition thereto, for transcribing all the testimony and proceedings taken by him at any inquest, the sum of fifteen cents per one hundred words for one copy, and ten cents per one hundred words for two copies made at one time, and in every case where the death of any person shall have been caused by the criminal act of another, such stenographer shall make a copy of the transcript of the testimony and proceedings taken at such inquest for the use of the district attorney of such county; in all inquests so reported, the fees for transcribing, as provided herein, shall be paid out of the county treasury upon the order of the coroner. When such testimony is taken down by such stenographer as herein set forth his transcription thereof, duly certified to by him, shall constitute the deposition of the witnesses testifying at such inquest so reported by such stenog-

rapher. The autopsy physician and surgeon, deputy and stenographer herein provided for shall be appointed by the coroner, and their salaries shall be paid by said county in equal monthly installments at the same time, and in the same manner, and out of the same fund, as is the salary of the county officers in counties of this class. The coroner must hold inquests as prescribed by chapter II, title XII, part II of the Penal Code, and he, or any other officer holding the inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or of the tissues of the body.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent
of schools.

12. The superintendent of schools, four thousand dollars per annum: *provided*, that in counties of this class there shall be and hereby is allowed to the superintendent of schools, one assistant superintendent of schools, one chief deputy superintendent of schools and one deputy superintendent of schools, all of whom shall be appointed by the superintendent of schools of said county, and whose salaries shall be as follows: The salary of the assistant superintendent of schools shall be two hundred dollars per month; the salary of the chief deputy superintendent of schools shall be one hundred and fifty dollars per month: and that of the deputy superintendent of schools shall be one hundred and twenty-five dollars per month. The salaries shall be paid out of the same fund and in the same manner as the salary of the superintendent of schools is paid.

Surveyor.

13. The surveyor shall receive a salary of four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the surveyor one deputy, whose salary is hereby fixed at the sum of twenty-seven hundred dollars per annum. The salary of such surveyor shall be paid by such county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. All work which the surveyor is directed or charged to perform by law, or by order of the board of supervisors of such county shall be performed by the said surveyor at actual cost; *provided*, however, that on all such work other than block-book work hereinafter provided for, transit men and office men when actually engaged on such county work shall receive a per diem of not to exceed six dollars, and chain men when actually engaged on such county work shall receive a per diem of not to exceed three dollars; *and provided further*, that for the making, platting, tracing, or otherwise preparing maps, plats, or block-books for the use of the county or any municipality within such county there shall be and there hereby is allowed to the surveyor the following draftsmen, who shall be paid salaries as follows: One chief draftsman, whose salary is hereby fixed at the sum of one hundred and seventy-five dollars per month; one assistant draftsman, whose salary is hereby fixed at the sum of one hundred and twenty-five dollars per month; four assistant draftsmen for a

period not to exceed eight months in any one year, whose salaries are hereby fixed at the sum of one hundred and twenty-five dollars per month each; and *provided, further*, that the surveyor shall be allowed all necessary expenses for work performed for the county by virtue of his office and all necessary expenses and transportation for work performed in the field. The said surveyor shall render to the auditor of said county a monthly sworn statement showing therein the kind or nature of work performed, the dates, amount paid to assistants and paid for expenses. The salary herein fixed for said surveyor shall be in lieu of all other fees, commissions or compensations of whatsoever kind or nature for services performed by said surveyor for said county.

The deputy, draftsman and assistant draftsmen herein provided for shall be appointed by the surveyor and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of county officers in counties of this class.

14. Justices of the peace shall receive the following monthly salaries to be paid each month and in the manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than fifty thousand, two hundred and twenty-five dollars; in townships having a population of twenty-five thousand and less than fifty thousand, two hundred dollars; in townships having a population of fifteen thousand and less than twenty-five thousand, one hundred and fifty dollars; in townships having a population of less than fifteen thousand, seventy-five dollars; in addition to the compensation received in criminal cases, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions. Each justice of the peace must keep a book open for the inspection of the public during office hours in which must be entered at once and in detail the amount of all fines collected by him in criminal cases, and on the first Monday of each and every month he must pay such fines so collected into the county treasury or city treasury as provided by law; *provided, further*, that on and after the first Monday after the first day of January, nineteen hundred and fifteen, justices of the peace shall pay into the county treasury all fees of his office as such justice of the peace and shall receive the following salary, to be paid in equal monthly installments, at the same time and in the same manner and out of the same fund as county officers are paid: In townships having a population of more than seventy-five thousand, four thousand dollars per annum; in townships having a population of forty-five thousand and less than seventy-five thousand, twenty-four hundred dollars per annum; in townships having a population of twenty thousand and less than forty-five thousand, eighteen hundred dollars per annum; in townships having a population

Justices of
the peace.

of less than twenty thousand, twelve hundred dollars per annum; *and provided, further*, that on and after the first Monday after the first day of January, nineteen hundred and fifteen, the board of supervisors of counties of the third class shall furnish each justice of the peace with a suitable office in which to hold court and shall also furnish the necessary furniture, books, blanks, and supplies for said court; *and provided, further*, that in townships having a population of more than seventy-five thousand there shall be and there is hereby allowed to the justice of the peace, one clerk, which office is hereby created, who shall be appointed by the justice of the peace of said township, subject to the approval of the board of supervisors of the county and whose salary is hereby fixed at the sum of fifteen hundred dollars per annum, payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justice of the peace is paid. Said clerk shall take the oath of office prescribed for county officers and give a bond in the sum of five thousand dollars conditioned for the faithful discharge of the duties of his office, which bond shall be approved and filed in the same manner as are bonds of county officers. He shall keep a record of the proceedings of said court and issue all processes ordered by the justice of said court and receive and pay into the county treasury all fines, forfeitures and fees paid into said court. He shall render each month to the county auditor and the county treasurer an exact account under oath of all fines, forfeitures and fees paid and collected and he shall prepare bonds and justified bail when the amount has been fixed by the court or justice and may administer and certify oaths and shall remain in the court room of said court during court hours and during such reasonable times thereafter as may be necessary for the proper performance of his duty. He shall have custody of all records and papers of said court. For the purpose of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1910.

Con-
stables.

15. Constables shall receive the following monthly salaries, to be paid each month and in the same manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than fifty thousand, one hundred and fifty dollars; in townships having a population of fifteen thousand and less than fifty thousand, one hundred and twenty-five dollars; in townships having a population of less than fifteen thousand, eighty-five dollars. In addition to the compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; *provided*, that in counties of this class constables shall be and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail; such ex-

penses to be itemized and presented as a claim against the county and to be audited and allowed by the board of supervisors and paid out of the county treasury in the manner as are other claims; *provided, further*, that from and after the first Monday after the first day of January, 1915, constables shall receive the following monthly salaries, to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than seventy-five thousand, one hundred and fifty dollars; in townships having a population of twenty thousand and less than seventy-five thousand, one hundred and twenty-five dollars; in townships having a population of less than twenty thousand, one hundred and fifteen dollars. In addition to the compensation received in criminal cases each constable may receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil cases; *provided*, that in counties of this class constables shall be and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail, such expenses to be itemized and presented as a claim against the county and to be audited and allowed by the board of supervisors and paid out of the county treasury in the same manner as are other claims. For the purpose of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1910.

16. Each supervisor, two hundred and twenty-five dollars per month; *provided*, that in counties of this class supervisors charged as road commissioners with the inspection of five hundred or more miles of roads within their respective districts, shall be and they are hereby allowed their actual traveling expenses, not to exceed the sum of seventy-five dollars in any one calendar month; *and provided, further*, that in counties of this class supervisors charged as road commissioners with the inspection of two hundred and fifty and not exceeding five hundred miles of roads within their respective districts, shall be and they are hereby allowed their actual traveling expenses, not to exceed fifty dollars in any one calendar month. Supervisors.

17. The fees of grand jurors in counties of the third class shall be three dollars, and necessary railway fare, in lawful money of the United States for each and every day's attendance upon the court or a session of the grand jury and the fees of trial jurors in the superior courts of counties of the third class in civil and criminal cases shall be three dollars, and necessary railway fare in lawful money of the United States for each and every day's attendance upon the court. Fees.
Jurors.

CHAPTER 676.

An act to amend section one hundred of the Code of Civil Procedure of California relating to when and how original process returnable in justices' courts in townships having a population between two hundred and fifty thousand and four hundred thousand.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section one hundred of the Code of Civil Procedure is hereby amended to read as follows:

Return of
process.

100. The original process in actions or proceedings begun in said justices' court shall be returnable and the parties summoned required to appear before said court.

CHAPTER 677.

An act to amend section one hundred and one of the Code of Civil Procedure of California relating to appointment and terms of justices' clerk, assistant justices' clerk and deputy justices' clerks in justices' courts in townships having a population between two hundred and fifty thousand and four hundred thousand.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section one hundred and one of the Code of Civil Procedure is hereby amended to read as follows:

Appoint-
ment of
justices'
clerk.

101. Said justices shall appoint a justices' clerk and assistant justices' clerk, who shall hold office at the pleasure of said justices and shall give such bond for the faithful performance of the duties of his office as said justices may require. Each justice shall also appoint one deputy clerk who shall hold office at the pleasure of the justice appointing him and perform such duties as shall be required by said justice or justices' clerk. Said justices' clerk, said assistant justices' clerk and said deputy clerks shall be authorized to administer oaths and take and certify affidavits. And they shall each be authorized to issue and sign writs, summons and all other processes in any actions or proceedings in said justices' courts in the name of the presiding justice or the acting presiding justice substantially as follows:

Presiding Justice.

By -----
Clerk.

CHAPTER 678.

An act to amend section one hundred and two of the Code of Civil Procedure of California relating to process, how issued and duties of justices' clerk, assistant and deputy justices' clerks in justices' courts in townships having population between two hundred and fifty thousand and four hundred thousand.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section one hundred and two of the Code of Civil Procedure is hereby amended to read as follows:

102. All papers to be filed with the clerk, all legal process of every kind in actions or proceedings in said justices' court, shall be issued by one of said justices or by said justices' clerk, assistant justices' clerk or deputy justices' clerk. Any one of said justices or the said justices' clerk, assistant justices' clerk or said deputy clerks shall issue, sign and certify in the name of the presiding justice or acting presiding justice to any and all papers, transcripts or records which are required to be issued, signed or certified by said justices of the peace. all complaints, answers and other pleadings and papers required to be filed in said justices' court shall be filed with said justices' clerk who shall keep a permanent record of all such actions and proceedings in said justices' docket now provided by law to be kept.

Duties of
Justices'
clerk.

CHAPTER 679.

An act establishing a state mining bureau, creating the office of state mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employes of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a state mining bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled "An act to provide for the establishment, maintenance, and support of a bureau, to be known as the state mining bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the state mining bureau, who shall have the direction, management and control of said state mining bureau, and to provide for the appointment, duties, and compensation of a state mineralogist, who shall perform the duties of his office under the control,

direction and supervision of the board of trustees of the state mining bureau," approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

Mining
bureau
created.

SECTION 1. There is hereby created and established a state mining bureau. The chief officer of such bureau shall be the state mineralogist, which office is hereby created.

State
mineralo-
gist.

SEC. 2. It shall be the duty of the governor of the State of California and he is hereby empowered to appoint a citizen and resident of this state, having a practical and scientific knowledge of mining, to the office of state mineralogist. Said state mineralogist shall hold his office at the pleasure of the governor. He shall be a civil executive officer. He shall take and subscribe the same oath of office as other state officers. He shall receive for his services a salary of three hundred dollars (\$300) per month, to be paid at the same time and in the same manner as the salaries of other state officers. He shall also receive his necessary traveling expenses when traveling on the business of his office. He shall give bond for the faithful performance of his duties in the sum of ten thousand dollars (\$10,000), said bond to be approved by the governor of the State of California.

Salary.

Employees.

SEC. 3. Said state mineralogist shall employ competent geologists, field assistants, qualified specialists and office employees when necessary in the execution of his plans and operations of the bureau, and fix their compensation. The said employees shall be allowed their necessary traveling expenses when traveling on the business of said department and shall hold office at the pleasure of said state mineralogist.

Duties.

SEC. 4. It shall be the duty of said state mineralogist to make, facilitate, and encourage, special studies of the mineral resources and mineral industries of the state. It shall be his duty: to collect statistics concerning the occurrence and production of the economically important minerals and the methods pursued in making their valuable constituents available for commercial use; to make a collection of typical geological and mineralogical specimens, especially those of economic and commercial importance, such collection constituting the museum of the state mining bureau; to provide a library of books, reports, drawings, bearing upon the mineral industries, and sciences of mineralogy and geology, and arts of mining and metallurgy, such library constituting the library of the state mining bureau; to make a collection of models, drawings and descriptions of the mechanical appliances used in mining and metallurgical processes; to preserve and so maintain such collections and library as to make them available for reference and examination, and open to public inspection at reasonable hours; to maintain, in effect, a bureau of information concerning the mineral industries of this state, to consist of such collections and library, and

to arrange, classify, catalogue, and index the data therein contained, in a manner to make the information available to those desiring it; to issue from time to time such bulletins as he may deem advisable concerning the statistics and technology of the mineral industries of this state.

SEC. 5. It is hereby made the duty of the owner, lessor, lessee, agent, manager or other person in charge of each and every mine, of whatever kind or character, within the state, to forward to the state mineralogist, upon his request, at his office not later than the thirtieth day of June, in each year, a detailed report upon forms which will be furnished showing the character of the mine, the number of men then employed, the method of working such mine and the general condition thereof, the total mineral production for the past year, and such owner, lessor, lessee, agent, manager or other person in charge of any mine within the state must furnish whatever information relative to such mine as the state mineralogist may from time to time require for the proper discharge of his official duties. Any owner, lessor, lessee, agent, manager or other person in charge of each and every mine, of whatever kind or character within the state, who fails to comply with the above provisions shall be deemed guilty of a misdemeanor.

Annual reports of mine owners.

SEC. 6. The state mineralogist now performing the duties of the office of state mineralogist shall perform the duties of the office of state mineralogist as in this act provided until the appointment and qualification of his successor as in this act provided.

Incumbent to act.

SEC. 7. The said state mineralogist shall take possession, charge and control of the offices now occupied and used by the board of trustees and state mineralogist and the museum, library and laboratory of the mining bureau located in San Francisco as provided for by a certain act of the legislature approved March 23, 1893, and hereafter referred to in section 14 hereof, and shall maintain such offices, museum, library and laboratory for the purposes provided in this act.

To take possession of office, etc.

SEC. 8. Said state mineralogist or qualified assistant shall have full power and authority at any time to enter or examine any and all mines, quarries, wells, mills, reduction works, refining works and other mineral properties or working plants in this state in order to gather data to comply with the provisions of this act.

Power to enter mines.

SEC. 9. The state mineralogist shall make a biennial report to the governor on or before the fifteenth day of September next preceding the regular session of the legislature.

Report.

SEC. 10. All moneys received by the state mining bureau or any officer thereof (except such as may be paid to them by the state for disbursement) shall be receipted for by the state mineralogist or other officer authorized by him to act in his place and at least once a month accounted for by him to the state controller and paid into the state treasury to the credit of a fund which is hereby created and designated "state mining bureau fund." All moneys now in the possession of

Disposition of receipts.

the state mining bureau or any officer thereof received from any source whatsoever, shall be immediately paid over to the state mineralogist and by him accounted for to the controller and paid into the state treasury to the credit of said fund. Said fund shall be used and is hereby appropriated for the use of said bureau in carrying out the purposes of this act.

Gifts.

SEC. 11. The said state mineralogist is hereby authorized and empowered to receive on behalf of this state, for the use and benefit of the state mining bureau, gifts, bequests, devises and legacies of real or other property and to use the same in accordance with the wishes of the donors, and if no instructions are given by said donors, to manage, use, and dispose of the gifts and bequests and legacies for the best interests of said state mining bureau and in such manner as he may deem proper.

Exhibition collections.

SEC. 12. The state mineralogist may whenever he deems it advisable, prepare a special collection of ores and minerals of California to be sent to or used at any world's fair or exposition in order to display the mineral wealth of the state.

Sale of reports, etc.

SEC. 13. The state mineralogist is hereby empowered to fix a price upon and to dispose of to the public, at such price, any and all publications of the state mining bureau, including reports, bulletins, maps, registers or other publications, such price shall approximate the cost of publication and distribution. Any and all sums derived from such disposition, or from gifts or bequests made, as hereinbefore provided must be accounted for by said state mineralogist and turned over to the state treasurer to be credited to the mining bureau fund as provided for in section 10. He is also empowered to furnish without cost to public libraries the publications of the bureau, and to exchange publications with other geological surveys and scientific societies, etc. X

Successor to board.

SEC. 14. The state mineralogist provided for by this act shall be the successor in interest of the board of trustees of the state mining bureau, and the state mineralogist, under and by virtue of that certain act, entitled "An act to provide for the establishment, maintenance, and support of a bureau, to be known as the state mining bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the state mining bureau, who shall have the direction, management, and control of said state mining bureau, and to provide for the appointment, duties, and compensation of a state mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the state mining bureau," approved March 23, 1893, and all books, papers, documents, personal property, records, and property of every kind and description obtained or possessed, or held or controlled by the said board of trustees of the said state mining bureau, and the state mineralogist, and the clerks and employees thereof, under the provisions of said act of March 23, 1893, or any act supplemental thereto or amendatory thereof, shall immediately be turned over and

delivered to the said state mineralogist herein provided for, who shall have charge and control thereof.

SEC. 15. That certain act entitled "An act to provide for the establishment, maintenance, and support of a bureau, to be known as the state mining bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the state mining bureau, and to provide for the appointment, duties and compensation of a state mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the board of trustees of the state mining bureau," approved March 23, 1893, together with all acts amendatory thereof and supplemental thereto and all acts in conflict herewith are hereby repealed.

CHAPTER 680.

An act making appropriations for the support of the government of the State of California for the sixty-fifth and sixty-sixth fiscal years.

[Approved, with the exception of the items in the statement hereto appended this 10th day of June, 1913. In effect immediately.]

The people of the State of California do enact as follows:

SECTION 1. The following sums of money are hereby appropriated out of any money in the state treasury not otherwise appropriated for the support of the government of the State of California for the sixty-fifth and sixty-sixth fiscal years; *provided*, that in all cases in which statutory provision has already been made for salaries or for other regular annual appropriations, the amounts herein appropriated shall be deemed to be the same amounts appropriated by such statutes, and not additional thereto:

LEGISLATIVE DEPARTMENT.

For salaries of senators, forty thousand dollars.

For mileage of lieutenant governor and senators, four thousand four hundred dollars.

For pay of officers, clerks and all other employees of the senate, forty-five thousand dollars.

For contingent expenses of senate, fifteen thousand dollars.

For salaries of assemblymen, eighty thousand dollars.

For mileage of assemblymen, seven thousand dollars.

For pay of officers, clerks and all other employees of the assembly, forty-five thousand dollars.

For contingent expenses of the assembly, eighteen thousand dollars.

For printing, binding and all other work performed and materials furnished by the state printing office to the legislature, eighty-five thousand dollars.

JUDICIAL DEPARTMENT.

Judicial
depart-
ment

For salaries of justices of supreme court, one hundred twelve thousand dollars.

For salaries of two secretaries supreme court, nine thousand six hundred dollars.

For salary of reporter of decisions of supreme court and district courts of appeal, five thousand dollars.

For salary of one assistant reporter of decisions of supreme court and district courts of appeal, four thousand eight hundred dollars.

For salary of librarian of supreme court, three thousand dollars.

For salaries of two phonographic reporters of supreme court, ten thousand eight hundred dollars.

For salaries of two bailiffs of supreme court, seven thousand two hundred dollars.

For expenses of supreme court under section 47, Code of Civil Procedure, forty-eight thousand dollars.

For postage and contingent expenses of the supreme court, two hundred fifty dollars.

For salary of clerk of supreme court, ten thousand dollars.

For salary of chief deputy clerk of supreme court, four thousand eight hundred dollars.

For salaries of six deputy clerks of supreme court, twenty-one thousand six hundred dollars.

For salary of stenographer to clerk of supreme court, two thousand dollars.

For pay of porter for office of clerk of supreme court at Sacramento, one thousand four hundred forty dollars.

For postage and contingent expenses of clerk of supreme court, four thousand dollars.

For printing, etc., clerk of supreme court, two thousand five hundred dollars.

For salaries of justices of district courts of appeal, one hundred twenty-six thousand dollars.

For salaries of three clerks of district courts of appeal, sixteen thousand two hundred dollars.

For salaries of three deputy clerks of district courts of appeal, twelve thousand dollars.

For salaries of three phonographic reporters of district courts of appeal, fourteen thousand four hundred dollars.

For salaries of three bailiffs of district courts of appeal, nine thousand six hundred dollars.

For pay of two porters for first and second district courts of appeal, three thousand six hundred dollars.

For pay of one porter of third district court of appeal, two thousand one hundred sixty dollars.

For postage and contingent expenses of clerks of district courts of appeal, one third to each, three thousand dollars.

For printing, etc., clerks of district courts of appeal, one third to each, three thousand dollars.

For rent of quarters for second district court of appeal, eight thousand dollars.

For state's portion of salaries of judges of superior courts, five hundred thirty-eight thousand five hundred dollars.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENT.

For salary of governor, twenty thousand dollars.

Executive
depart-
ment.

For salary of private secretary to governor, ten thousand dollars.

For salary of executive secretary to governor, seven thousand two hundred dollars.

For salary of stenographer to governor, four thousand dollars.

For salary of messenger to governor, three thousand dollars.

For special contingent expenses (secret service), governor's office (exempt from provisions of sections 433 and 672 of Political Code), ten thousand dollars.

For postage, expressage, telegraphing, traveling, and contingent expenses, governor's office, six thousand dollars.

For printing, etc., governor's office, one thousand five hundred dollars.

For support of governor's residence (exempt from section 672 of Political Code), seventeen thousand five hundred dollars.

For salary of watchman, governor's mansion, two thousand four hundred dollars.

For payment of rewards offered by the governor, one thousand five hundred dollars.

For payment of rewards offered by the governor, illegal voting, five hundred dollars.

For payment of rewards for arrest and conviction of highway robbers, two thousand dollars.

For arresting criminals without the state (exempt from section 4 of this act), twenty-eight thousand dollars.

For salary of lieutenant governor, eight thousand dollars.

STATE BOARD OF CONTROL.

For salaries of members, twenty-four thousand dollars.

Board of
control.

For salary of secretary to board of control, four thousand eight hundred dollars.

For salaries of three clerks to state board of control, ten thousand eight hundred dollars.

For salaries of two stenographers, six thousand dollars.

For salary of messenger, one thousand eight hundred dollars.

For salary of superintendent of accounts, six thousand dollars.

For salaries of two assistant superintendents of accounts, ten thousand eight hundred dollars.

For maintenance and general expense of board of control, including traveling and contingent expenses, thirty thousand dollars.

For printing, binding, etc., for various state offices under direction of board of control, four thousand five hundred dollars.

For official advertising, six thousand dollars.

For purchase from federal government of topographical sheets, one thousand dollars.

For emergency fund to be expended only upon unanimous vote of the board of control, approved by the controller, seventy-five thousand dollars.

For printing, etc., for board of control, two thousand dollars.

SECRETARY OF STATE'S OFFICE.

Secretary
of state.

For salary of secretary of state, ten thousand dollars.

For salary of deputy secretary of state, six thousand dollars.

For salary of bookkeeper, office secretary of state, four thousand eight hundred dollars.

For salary of corporation secretary, office secretary of state, five thousand six hundred dollars.

For salary of statistician, office secretary of state, four thousand eight hundred dollars.

For salary of keeper of archives, office secretary of state, four thousand dollars.

For salary of one recording clerk, office secretary of state, three thousand six hundred dollars.

For salaries of five recording clerks, office secretary of state, sixteen thousand dollars.

For salary of one register clerk, office secretary of state, three thousand six hundred dollars.

For salaries of two certificate clerks, office of secretary of state, six thousand four hundred dollars.

For salary of messenger, office secretary of state, one thousand eight hundred dollars.

For pay of porter, office of secretary of state, one thousand four hundred forty dollars.

For salaries of two special clerks, January 1 to May 1, legislative year, office secretary of state, one thousand dollars.

For postage, expressage and telegraphing, office secretary of state (exempt from section 4 of this act), eight thousand dollars.

For contingent and traveling expenses, office secretary of state, two thousand five hundred dollars.

For printing, etc., office secretary of state (exempt from section 4 of this act), ten thousand dollars.

For printing, etc., and distributing constitutional amendments (exempt from section 4 of this act), ten thousand dollars.

For printing, etc., and compiling Blue Book (exempt from section 4 of this act), five thousand dollars.

For salary of superintendent and cashier, corporation license department, four thousand eight hundred dollars.

For salaries of two clerks, corporation license department, seven thousand two hundred dollars.

For salaries of four clerks, corporation license department, twelve thousand eight hundred dollars.

For pay of porter, corporation license department, seven hundred twenty dollars.

For pay of messenger, corporation license department, one thousand two hundred dollars.

For postage and contingent expenses, corporation license department, two thousand five hundred dollars.

For printing, etc., corporation license department, four thousand three hundred dollars.

CONTROLLER'S OFFICE.

For salary of controller, ten thousand dollars.

Controller.

For salary of deputy controller, six thousand dollars.

For salary of bookkeeper, controller's office, four thousand eight hundred dollars.

For salary of expert, controller's office, four thousand dollars.

For salary of one clerk, controller's office, three thousand six hundred dollars.

For salaries of three clerks, controller's office, nine thousand six hundred dollars.

For salary of statistician, controller's office, four thousand dollars.

For salary of warrant registrar, controller's office, four thousand dollars.

For salary of stenographer, controller's office, two thousand four hundred dollars.

For pay of porter, controller's office, one thousand four hundred forty dollars.

For postage, expressage, and telegraphing, controller's office, two thousand four hundred dollars.

For contingent and traveling expenses, controller, two thousand dollars.

For expenses of collecting, compiling and printing county and municipal statistics, two thousand dollars.

For salary of inheritance tax attorney, six thousand dollars.

For salaries of two assistant inheritance tax attorneys, one in San Francisco and the other in Los Angeles, twelve thousand dollars.

For salary of inheritance tax clerk, Sacramento, three thousand six hundred dollars.

For expenses of inheritance tax department, including printing, traveling and contingent expenses, postage, expressage and telegraphing, clerical and other services, and any other expenses necessary and proper to the enforcement of the inheritance tax law, eighteen thousand four hundred dollars.

For salaries of two clerks, corporation tax collection department, seven thousand two hundred dollars.

For salaries of extra clerks, tax collecting department, eleven thousand dollars.

For postage, expressage and telegraphing, tax collecting department, three thousand dollars.

For printing, binding and ruling, tax collection department, one thousand eight hundred dollars.

For printing, etc., controller's office, five thousand five hundred dollars.

TREASURER'S OFFICE.

Treasurer. For salary of state treasurer, ten thousand dollars.

For salary of deputy state treasurer, six thousand four hundred dollars.

For salary of cashier, treasurer's office, five thousand dollars.

For salary of bond officer, treasurer's office, five thousand dollars.

For salaries of two bookkeepers, treasurer's office, eight thousand eight hundred dollars.

For salary of stenographer, treasurer's office, two thousand four hundred dollars.

For salaries of four watchmen, treasurer's office, ten thousand five hundred sixty dollars.

For pay of porter, treasurer's office, one thousand four hundred forty dollars.

For postage, expressage, telegraphing, contingent and traveling expenses, treasurer's office, two thousand two hundred dollars.

For printing, etc., treasurer's office, one thousand nine hundred dollars.

ATTORNEY GENERAL'S OFFICE.

Attorney general. For salary of attorney general, twelve thousand dollars.

For salary of assistant attorney general, eight thousand dollars.

For salary of chief deputy to attorney general, eight thousand dollars.

For salaries of two deputies to attorney general, thirteen thousand two hundred dollars.

For salaries of three deputies to attorney general, eighteen thousand dollars.

For salaries of two clerks, attorney general's office, seven thousand two hundred dollars.

For salary of phonographic reporter, attorney general's office, three thousand six hundred dollars.

For salaries of four stenographers, attorney general's office, nine thousand six hundred dollars.

For pay of porter, attorney general's office at Sacramento, nine hundred sixty dollars.

For postage, expressage, telegraphing and contingent expenses, attorney general's office, four thousand dollars.

For traveling expenses, attorney general's office, one thousand dollars.

For costs and expenses of suits wherein the state is a party in interest, seven thousand five hundred dollars.

For office rent of attorney general in San Francisco, six thousand dollars.

For purchase of law books, attorney general's office, two thousand dollars.

For printing, etc., attorney general's office, six thousand dollars.

For payment of expenses incidental to conserving state lands, gathering evidence, and quieting and canceling outstanding evidences of title, five thousand dollars.

SURVEYOR GENERAL'S OFFICE.

For salary of surveyor general, ten thousand dollars.

Surveyor
general.

For salary of deputy surveyor general, six thousand dollars.

For salary of assistant surveyor general, four thousand five hundred dollars.

For salaries of three clerks, surveyor general's office, ten thousand eight hundred dollars.

For salaries of three clerks, register state land office, ten thousand eight hundred dollars.

For pay of porter, surveyor general's office, nine hundred sixty dollars.

For postage, expressage and telegraphing, surveyor general's office, one thousand seven hundred dollars.

For contingent and traveling expenses, surveyor general's office, one thousand dollars.

For purchase of and copying maps and records, checking surveys, and securing necessary data, surveyor general's office, four thousand eight hundred dollars.

For traveling expenses of surveyor general and attorney general when engaged in official state business in relation to land, one thousand dollars.

For printing, etc., surveyor general's office, one thousand seven hundred dollars.

SUPERINTENDENT OF STATE PRINTING.

For salary of superintendent of state printing, ten thousand dollars.

Superin-
tendent of
printing.

For salary of deputy superintendent of state printing, four thousand eight hundred dollars.

For postage, traveling, telegraph and contingent expenses, state printing office, two thousand dollars.

For printing, etc., office superintendent of state printing, six hundred dollars.

STATE BOARD OF EQUALIZATION.

For salaries of members of the state board of equalization, thirty-two thousand dollars.

Board of
equaliza-
tion.

For salary of secretary, state board of equalization, six thousand dollars.

For pay of porter, state board of equalization, nine hundred sixty dollars.

For postage, expressage, telegraph, and contingent expenses, state board of equalization, one thousand dollars.

For clerical and expert assistance, printing, postage and all other expenses involved in making the assessment of taxes, thirty-six thousand dollars.

For traveling and contingent clerical expenses, state board of equalization (Political Code, section 3702), twelve thousand dollars.

For printing, etc., state board of equalization, five thousand dollars.

SUPERINTENDENT OF CAPITOL BUILDING AND GROUNDS.

Capitol
building
and
grounds.

For salary of superintendent of capitol building and grounds, six thousand dollars.

For salary of clerk to superintendent of capitol building and grounds, three thousand six hundred dollars.

For salary of engineer, three thousand six hundred dollars.

For salary of additional engineer during session of the legislature, four hundred fifty dollars.

For salary of fireman, two thousand five hundred twenty dollars.

For salary of additional fireman during session of legislature, three hundred fifteen dollars.

For salary of electrician, three thousand six hundred dollars.

For salary of additional electrician during session of legislature, four hundred fifty dollars.

For salary of head porter, two thousand four hundred dollars.

For salaries of seven special policemen, eighteen thousand four hundred eighty dollars.

For salaries of two elevator attendants, four thousand three hundred twenty dollars.

For salaries of two additional elevator attendants during session of legislature, five hundred forty dollars.

For salaries of two telephone exchange operators, two thousand eight hundred eighty dollars.

For salaries of two additional telephone exchange operators during session of legislature, four hundred eighty dollars.

For salary of one telephone exchange operator for two months each year, one hundred twenty dollars.

For purchase of carpets and furniture for capitol building (exempt from section 4 of this act), two thousand dollars.

For water for state capitol building and grounds, three thousand six hundred dollars.

For repairs to capitol building, furniture and fixtures (exempt from section 4 of this act), five thousand dollars.

For stationery, fuel, lights and supplies for legislature and state offices, twenty-eight thousand dollars.

For salary of head gardener, three thousand six hundred dollars.

For pay of gardeners, porters and other help in capitol building and grounds, forty-two thousand five hundred dollars.

For purchase of implements and hose, care and improvement of grounds (exempt from section 4 of this act), seven thousand dollars.

For traveling and contingent expenses, superintendent capitol building and grounds, two hundred forty dollars.

BOARD OF RAILROAD COMMISSIONERS.

For salaries of railroad commissioners, sixty thousand dollars. Railroad commission.

For salaries of other civil executive officers in office of board of railroad commissioners, twenty-one thousand six hundred dollars.

Appropriation for expense of carrying on work of railroad commission, including traveling and contingent expenses, two hundred eighty-seven thousand dollars.

OFFICE OF INSURANCE COMMISSIONER.

For salary of insurance commissioner, eight thousand dollars. Insurance commissioner.

For salary of deputy insurance commissioner, five thousand four hundred dollars.

STATE BOARD OF HEALTH.

For salary of secretary to state board of health, seven thousand two hundred dollars. Board of health.

For salary of assistant secretary, four thousand eight hundred dollars.

For salary of attorney to state board of health, six thousand dollars.

For salary of statistician, state board of health, four thousand eight hundred dollars.

For salary of deputy statistician, state board of health, three thousand two hundred dollars.

For salary of two copyists, three thousand six hundred dollars.

For payment of fees for reporting and investigating occupational diseases, two thousand dollars.

For salary of clerk, state board of health, three thousand two hundred dollars.

For salary of director, food and drug laboratory, state board of health, six thousand dollars.

For salary of assistant director, food and drug laboratory, state board of health, three thousand dollars.

For traveling and contingent expenses, state board of health, seven thousand five hundred dollars.

For support of state hygienic laboratory for bacteriological work, state board of health, twenty thousand dollars.

For support of pure food and drug laboratory, state board of health, forty-five thousand dollars.

For printing, etc., state board of health, eight thousand dollars.

For salary of director of hygienic laboratory, six thousand dollars.

For salary of sanitary engineer, six thousand dollars.

For salary of stenographer, two thousand four hundred dollars.

For expense of engineering division, two thousand dollars.

BUREAU OF LABOR STATISTICS.

Bureau
of labor
statistics.

For salary of the commissioner, bureau of labor statistics, six thousand dollars.

For salary of the deputy commissioner, bureau of labor statistics, four thousand eight hundred dollars.

For salary of deputy commissioner, bureau of labor statistics, at Los Angeles, four thousand eight hundred dollars.

For salary of assistant deputy commissioners, bureau of labor statistics, four thousand two hundred dollars.

For salary of statistician, bureau of labor statistics, four thousand two hundred dollars.

For salary of stenographer, bureau of labor statistics, two thousand four hundred dollars.

For office rent, bureau of labor statistics, three thousand six hundred dollars.

For salaries of assistants, traveling and contingent expenses, bureau of labor statistics, the same being the appropriation made by chapter 42, Statutes 1909, and not additional thereto, forty thousand dollars.

For printing, etc., bureau of labor statistics, six thousand dollars.

HARBOR COMMISSIONERS, EUREKA.

Eureka
harbor
commission,
.

For salaries of three commissioners, two thousand four hundred dollars.

For salary of harbormaster, two thousand four hundred dollars.

For salary of secretary to harbor commissioners, two thousand dollars.

For contingent expenses of harbor commissioners at Eureka, the same being the appropriation made by section 2572 of the Political Code, and not additional thereto, three thousand dollars.

INDUSTRIAL ACCIDENT BOARD.

Industrial
accident
board.

For salaries of members of industrial accident board, twenty-one thousand six hundred dollars.

For salary of secretary, four thousand eight hundred dollars.

For salary of statistician, four thousand two hundred dollars.

For salaries of three clerks, seven thousand dollars.

For salaries of stenographers, six thousand dollars.

For support and maintenance of board, including accident prevention work, twelve thousand dollars.

For department of industrial safety, ten thousand dollars.

For payment of compensation benefits accruing by reason of personal injury resulting from accidents to state officers and employees while performing service growing out of and incidental to their employment, twelve thousand dollars.

For postage, expressage and telegraphing, six thousand dollars.

For traveling and contingent expenses, four thousand dollars.

For printing, etc., five thousand dollars.

For rent, five thousand dollars.

NATIONAL GUARD.

For salary of the adjutant general, seven thousand two hundred dollars. National guard.

For salary of assistant adjutant general, six thousand dollars.

For salary of chief clerk, adjutant general's office, three thousand eight hundred dollars.

For salaries of three clerks, adjutant general's office, ten thousand two hundred dollars.

For salary of clerk and stenographer, adjutant general's office, three thousand dollars.

For salary of military storekeeper, adjutant general's office, two thousand four hundred dollars.

For salary of assistant military storekeeper, adjutant general's office, one thousand eight hundred dollars.

For postage, expressage and telegraphing, adjutant general's office, two thousand dollars.

For care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the adjutant general, seven thousand dollars.

For target practice and purchase of medals, National Guard, twenty-two thousand dollars.

For allowance for brigade headquarters, National Guard, four thousand eight hundred dollars.

For allowance for regimental headquarters, including allowance for bands, National Guard, twenty-nine thousand four hundred dollars.

For armory rents and other expenses of the National Guard, two hundred forty-five thousand dollars.

Traveling expenses and per diem of officers and enlisted men on detail duty, also traveling expenses of U. S. Army and Navy officers detailed for duty with the National Guard, ten thousand dollars.

For hospital supplies, National Guard, one thousand dollars.

For furnishing coal and other supplies, and for repairs to training ships, Naval Militia, eight thousand dollars.

For purchase of uniforms and equipments, National Guard (exempt from section 4 of this act), ten thousand dollars.

For expenses of court-martial and contingent expenses thereof, one thousand dollars.

Expenses of encampments, cruises, and authorized parades (exempt from section 4 of this act), twenty thousand dollars.

For pay of enlisted men at joint maneuver encampments, sixty thousand dollars.

For allowance to surgeon general, six hundred dollars.

For allowance for officers, under provisions of section 2078, Political Code, fifteen thousand dollars.

For printing, etc., adjutant general's office, six thousand dollars.

STATE ENGINEERING DEPARTMENT.

Engineer-
ing de-
partment.

For salaries of three appointed members, twenty-one thousand six hundred dollars.

For salary of state engineer, ten thousand dollars.

For salary of highway engineer, twenty thousand dollars.

For salary of assistant state engineer, seven thousand two hundred dollars.

For salary of state architect, nine thousand six hundred dollars.

For salary of architectural designer for state engineering department, four thousand eight hundred dollars.

For salaries of three architectural draughtsmen for state engineering department, twelve thousand dollars.

For salaries of two engineer's draughtsmen for state engineering department, eight thousand dollars.

For salary of one testing engineer for state engineering department, four thousand two hundred dollars.

For salary of one mechanical engineer for state engineering department, five thousand four hundred dollars.

For salary of two filing clerks, state engineering department, seven thousand two hundred dollars.

For salary of blue print pressman for state engineering department, three thousand dollars.

For salary of secretary, state engineer, four thousand eight hundred dollars.

For salaries of two clerks and stenographers, state engineering department, six thousand dollars.

For salary of the porter and messenger to state engineering department, one thousand eight hundred dollars.

For contingent and traveling expenses, state engineering department, twenty-five thousand dollars.

For printing, etc., state engineering department, five thousand dollars.

For improvements and maintenance of Mono Lake Basin road, five thousand dollars.

For improvements and maintenance of Sonora and Mono road, ten thousand dollars.

For improvements and maintenance of Lake Tahoe road, fifteen thousand dollars.

For improvements and maintenance of Emigrant Gap highway, eight thousand dollars.

For improvements and maintenance of Kings River highway, four thousand dollars.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

Superin-
tendent of
public in-
struction.

For salary of superintendent of public instruction, ten thousand dollars.

For salary of deputy superintendent of public instruction, four thousand eight hundred dollars.

For salary of statistician, superintendent of public instruction's office, four thousand eight hundred dollars.

For salary of clerk and stenographer, superintendent of public instruction's office, three thousand two hundred dollars.

For salary of bookkeeper, superintendent of public instruction's office, three thousand two hundred dollars.

For clerical assistance in superintendent of public instruction's office in distributing state school books, four hundred dollars.

For pay of porter, superintendent of public instruction's office, one thousand eight hundred dollars.

For postage, expressage and telegraphing, superintendent of public instruction's office, two thousand six hundred dollars.

For contingent and traveling expenses (including traveling expenses under section 1532, Political Code), three thousand six hundred dollars.

For printing, etc., superintendent of public instruction's office, twenty-four thousand dollars.

Text-books for orphans (Statutes 1907, chapter 472), five thousand dollars.

STATE LIBRARY.

For salary of state librarian, seven thousand two hundred dollars. State library.

For salaries of two deputy state librarians, seven thousand two hundred dollars.

For support and maintenance of state library, one hundred ninety thousand dollars.

UNIVERSITY OF CALIFORNIA.

For support and maintenance of University of California, four hundred thousand dollars. University.

For printing, etc., University of California, twelve thousand dollars.

For support, maintenance and equipment of college of agriculture of University of California, including support of the university farm school at Davis and also support of all experimental stations, all pathological and other investigations, farmers' institutes and all agricultural departments connected with the University of California, and also including appropriations as provided in chapter 515, Statutes 1911, seven hundred thousand dollars.

For university extension work, fifty thousand dollars. - - - - -

For support, maintenance and equipment of Los Angeles department of the college of medicine, twenty thousand dollars.

For support and maintenance of Scripps' Institution of Biological Research, fifteen thousand dollars.

For work of insecticide and fungicide control laboratory provided for in chapter 653, Statutes of 1911, ten thousand dollars.

STATE BOARD OF EDUCATION.

For per diem of members of board of education, traveling and contingent expenses of board and commissioners of education and salaries of office employees, thirty thousand dollars. Board of education

For salaries of commissioners of education, thirty-two thousand dollars.

For printing for board and commissioners of education, two thousand dollars.

STATE NORMAL SCHOOLS.

Normal
schools.

For support of state normal school at San Jose, eighteen thousand dollars.

For salaries of officers, teachers and employes of same, one hundred fifty-five thousand dollars.

For care and improvement of grounds of same, six thousand dollars.

For library, museum and purchase of scientific apparatus of same, four thousand five hundred dollars.

For printing, etc., state normal school at San Jose, one thousand five hundred dollars.

For support of state normal school at Los Angeles, twenty thousand dollars.

For salaries of officers, teachers and employees of same, two hundred twelve thousand dollars.

For care and improvement of grounds of same, seven thousand dollars.

For library, museum and purchase of scientific apparatus for same, five thousand dollars.

For printing, etc., state normal school at Los Angeles, one thousand eight hundred dollars.

For support of state normal school at Chico, seven thousand five hundred dollars.

For salaries of officers, teachers and employes of same, eighty-five thousand dollars.

For care and improvement of grounds of same, three thousand five hundred dollars.

For library, museum and purchase of scientific apparatus for same, two thousand two hundred dollars.

For printing, etc., state normal school at Chico, one thousand dollars.

For support of state normal school at San Diego, eight thousand five hundred dollars.

For salaries of officers, teachers and employes of same, ninety thousand dollars.

For library, museum and scientific apparatus for same, three thousand dollars.

For care and improvement of grounds of same, four thousand dollars.

For printing, etc., state normal school at San Diego, one thousand two hundred dollars.

For support of state normal school at San Francisco, seven thousand five hundred dollars.

For salaries of officers, teachers and employes of same, eighty thousand dollars.

For care and improvement of grounds of same, one thousand dollars.

For library, museum and scientific apparatus for same, two thousand dollars. Normal schools.

For printing, etc., state normal school at San Francisco, one thousand two hundred dollars.

For support of state normal school at Santa Barbara, three thousand five hundred dollars.

For salaries of officers, teachers and employes of same, fifty-seven thousand dollars.

For care and improvement of grounds of same, one thousand dollars.

For library, museum and scientific apparatus for same, six hundred dollars.

For printing, etc., state normal school at Santa Barbara, six hundred dollars.

For support of state normal school at Fresno, five thousand seven hundred fifty dollars.

For salaries of officers, teachers and employes of same, sixty-two thousand dollars.

For library, museum and scientific apparatus for same, one thousand five hundred dollars.

For printing, binding and ruling, seven hundred fifty dollars.

JOINT BOARD OF NORMAL SCHOOL TRUSTEES.

For traveling expenses of joint board of normal school trustees, one thousand dollars.

CALIFORNIA POLYTECHNIC SCHOOL.

For support and maintenance, including purchase of stock and equipment for farm and laboratories, twenty-eight thousand dollars. Polytechnic school.

For salaries of officers, teachers and employes of same, seventy thousand dollars.

For care and improvement of grounds of same, seven thousand dollars.

For library for same, one thousand five hundred dollars.

For printing, etc., California Polytechnic School, one thousand two hundred dollars.

INSTITUTION FOR DEAF AND BLIND.

For support of institution for deaf and blind at Berkeley, sixty thousand dollars. Institution for the deaf and the blind.

For salaries of officers and employes of same, one hundred thirty thousand dollars.

For printing, etc., for institution for deaf and blind, six hundred dollars.

HASTINGS COLLEGE OF THE LAW.

For payment of interest on one hundred thousand dollars to Hastings College of the Law, fourteen thousand dollars. Hastings.

For rental, Hastings College of the Law, four thousand eight hundred dollars.

STATE AGRICULTURAL SOCIETY.

Agricultural society.

For aid to state agricultural society, sixty thousand dollars.

For salary of secretary, six thousand dollars.

For salary of assistant secretary, three thousand dollars.

For salary of stenographer, one thousand eight hundred dollars.

For salary of night watchman, one thousand eight hundred dollars.

For salary of gardener, one thousand eight hundred dollars.

For gathering statistics (Stats. 1911, page 1109), ten thousand dollars.

For traveling expenses of the directors of the state agricultural society, two thousand dollars.

For printing, etc., state agricultural society, six thousand five hundred dollars.

STATE MINING BUREAU.

Mining bureau.

For salary of state mineralogist, six thousand dollars.

For support of the mining bureau, including salaries, eighty thousand dollars.

For printing, etc., state mining bureau, seven thousand five hundred dollars.

STATE COMMISSIONER OF HORTICULTURE.

Horticultural commission.

For salary of commissioner, eight thousand dollars.

For salary of deputy commissioner, four thousand eight hundred dollars.

For salary of secretary, four thousand eight hundred dollars.

For salary of superintendent of state insectary, four thousand eight hundred dollars.

For salary of assistant superintendent state insectary, three thousand six hundred dollars.

For salary of field deputy, insectary division, three thousand dollars.

For salary of chief deputy quarantine inspector at San Francisco, four thousand eight hundred dollars.

For salary of deputy quarantine officer at San Francisco, three thousand six hundred dollars.

For salary of chief clerk at Sacramento office, three thousand dollars.

For use and support of office of commissioner of horticulture, searching for beneficial insects, and use and support of state insectary, fifty-five thousand dollars.

For printing, etc., commissioner of horticulture, ten thousand dollars.

STATE VETERINARIAN.

Veterinarian.

For salary of state veterinarian, seven thousand two hundred dollars.

For salary of assistant state veterinarian, six thousand dollars.

For salary of deputy state veterinarian, three thousand six hundred dollars.

For salary of clerk to state veterinarian, three thousand two hundred dollars.

For traveling and contingent expenses of the office of state veterinarian, including sheep inspecting, twenty-two thousand dollars.

For printing, etc., state veterinarian, four hundred dollars.

STATE DAIRY BUREAU.

For support of state dairy bureau, fifty thousand dollars. Dairy Bureau.

STATE BOARD OF FORESTRY.

For salary of state forester, six thousand dollars. Forester.

For salary of deputy state forester, three thousand six hundred dollars.

For salary of assistant state forester, three thousand two hundred dollars.

For support of state board of forestry, including field and traveling expenses, twenty-five thousand dollars.

For fire protection, state board of forestry, fifty thousand dollars. net

For printing, etc., state board of forestry, six thousand dollars.

CALIFORNIA REDWOOD PARK.

For improvement and maintenance, California Redwood Park, ten thousand dollars. Redwood Park.

MARSHALL MONUMENT AND SUTTER'S FORT.

For salary of guardian, Marshall monument and grounds, one thousand two hundred dollars. Marshall monument, Sutter's Fort.

For salary of guardian of Sutter's Fort, one thousand eight hundred dollars.

For salary of gardener of Sutter's Fort, two thousand four hundred dollars.

For salary of assistant gardener of Sutter's fort, two thousand one hundred sixty dollars.

For maintenance of grounds and buildings at Sutter's Fort, one thousand seven hundred forty dollars.

VETERANS' HOME.

For support and maintenance, two hundred sixty-five thousand dollars. Veterans' Home.

For printing, etc., Veterans' Home, one thousand five hundred dollars.

WOMAN'S RELIEF CORPS HOME.

For expense of maintenance of Woman's Relief Corps Home, four thousand dollars.

INDUSTRIAL HOME FOR THE ADULT BLIND.

For support of home for adult blind, thirty-eight thousand dollars.

For salaries of officers and employees of same, twenty-five thousand dollars.

For printing, etc., home for adult blind, five hundred dollars.

ORPHAN AID.

For support of orphans, half orphans and abandoned children, eight hundred sixty thousand dollars.

STATE BOARD OF CHARITIES AND CORRECTIONS.

For salaries and expenses, state board of charities and corrections (Stats. 1911, page 1335), twenty-five thousand dollars.

STATE COMMISSION IN LUNACY.

Lunacy
commiss-
sion.

For salaries of officers and employces and for salary of general superintendent of state hospitals, thirty-six thousand dollars.

For traveling expenses and all other contingent expenses of the commission and its officers and employees, five thousand dollars.

For printing, etc., state commission in lunacy, six thousand dollars.

HOSPITALS FOR INSANE.

Hospitals
for insane.

For support of Stockton State Hospital, four hundred six thousand six hundred twenty dollars.

For salaries of officers and employees of same, three hundred twenty-five thousand sixty dollars.

For support of Napa State Hospital, three hundred seventy-eight thousand seven hundred fifty dollars.

For salaries of officers and employees of same, three hundred nine thousand seven hundred sixty dollars.

For support of Agnews State Hospital, three hundred twenty-one thousand eighty dollars.

For salaries of officers and employees of same, two hundred twenty-three thousand sixty dollars.

For support of Mendocino State Hospital, two hundred thirty-nine thousand six hundred dollars.

For salaries of officers and employees of same, one hundred eighty-five thousand four hundred sixty dollars.

For support of Southern California State Hospital, four hundred fifty thousand nine hundred seventy-five dollars.

For salaries of officers and employees of same, two hundred fifty-nine thousand forty dollars.

For support of Sonoma State Home, two hundred thirty-seven thousand seven hundred ten dollars.

For salaries of officers and employees of same, one hundred ninety-eight thousand eight hundred twenty dollars.

For support of Folsom State Hospital, twelve thousand dollars.

For salaries of officers and employees of same, twelve thousand dollars.

TRANSPORTATION EXPENSES.

For transportation of prisoners, insane, delinquent and feeble-minded children to state institutions to which they are committed (except from section 4 of this act), two hundred thousand dollars.

PRESTON AND WHITTIER SCHOOLS.

For support of Preston School of Industry, two hundred seventy-five thousand dollars. Preston and Whittier.

For salaries of officers and employees of same, one hundred fifty-six thousand dollars.

For support of Whittier State School, one hundred five thousand dollars.

For salaries of officers and employees of same, ninety thousand dollars.

STATE BOARD OF PRISON DIRECTORS.

For printing, state board of prison directors, five hundred dollars.

For parole work, thirty thousand dollars.

STATE PRISONS.

For salaries of officers and employees of state prison at San Quentin, one hundred fifty thousand dollars. Prisons.

For printing, etc., state prison at San Quentin, one thousand dollars.

For support of state prison at Folsom, two hundred sixty-four thousand dollars.

For salaries of officers and employees of same, one hundred ninety-five thousand dollars.

For printing, etc., state prison at Folsom, two thousand dollars.

MISCELLANEOUS PURPOSES.

For care of state burial grounds, two hundred dollars. Miscellaneous.

For payment of premiums on surety bonds of state officers and employees, seven thousand dollars.

For rent of quarters of state offices in Sacramento outside of capitol building, and cost of moving, to be expended under the direction of board of control, forty-five thousand dollars. Rent.

SEC. 2. The various sums herein appropriated for printing, binding, ruling, materials and all other work provided for by law to be done in the state printing office shall be expended only upon requisitions to be approved by the state board of control, and said board is authorized and given power to reduce the amount of such requisitions either in whole or in any item thereof. When any state publication is printed and paid for out of any appropriation in this act, the disposition of the same shall be subject to the provisions of section 2295a of the Political Code of the State of California. The sums that are herein appropriated for expenses of the senate and assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of section six hundred and seventy-two of the Political Code; *provided*, that the state controller shall not be required to draw any warrants until the original claims and vouchers, itemized and properly sworn to, are filed with him.

The sums herein appropriated for the expenses of the national guard shall be audited by the adjutant general, as required Printing to be done in state printing office.

Legislative expenses.

National guard expenses.

by sections two thousand and eighty-three and two thousand and eighty-five of the Political Code. Not more than five hundred dollars of the moneys hereby appropriated for the support of the institutions of the state shall be used in each fiscal year for permanent improvements, but shall be used solely for the payment of salaries and traveling expenses of the commissioners or directors having charge of the same (when such salaries or expenses are allowed by law), the salaries of employees, the purchase of material and supplies for the use of said institutions, and for such incidental and current expenses as may be necessarily incurred for the proper management and support of said institutions.

Demands
against
state.

SEC. 3. All persons having demands against the state, the various state officers, and the officers of all institutions under the control of the state, except the governor, to whom and for which appropriations other than salaries are made under the provisions of this act, shall, with their biennial report, submit a detailed statement, under oath, of the manner in which all appropriations for their respective departments and institutions have been expended, and the state board of control, is hereby expressly prohibited from allowing any demand payable out of any such appropriations until the same are presented in itemized form, accompanied by affidavit and voucher for money expended by them, stating specifically the service rendered, by whom performed, time employed, distance traveled, and necessary expenses thereof; if for articles purchased, the name of each article, together with the price paid for each, and of whom purchased, with the date of the purchase; *provided*, that in instances where the duties of any state officer or board make necessary the use of moneys for purposes of a confidential nature, the board of control may audit claims for such expense without requiring itemization or vouchers; but such claims must be accompanied by a statement of the facts surrounding the expenditure, which statement must be filed in the office of the board of control; *provided, further*, that the total amount so allowed for such confidential purposes from the moneys herein appropriated shall not exceed in any one fiscal year the sum of two thousand dollars. All bills and vouchers, which shall be presented for supplies furnished or services rendered, shall be original bills and vouchers of the parties furnishing supplies and rendering services; *provided*, that no officer shall use or appropriate any money, appropriated by this act, for any purpose whatsoever, unless authorized thereto by law; *and provided*, that any officer, board, commission or department for whom any appropriation is made herein, may, with the permission of the board of control, and without at the time furnishing vouchers and itemized statements, draw from such appropriation a sum not to exceed five hundred dollars for any such officer, board, commission or department. The sum so drawn shall be used as a revolving fund where cash advances are necessary, and at the close of each fiscal year, or at any other time, upon the demand

Original
bills.

Revolving
fund.

of the board of control, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and the controller.

SEC. 4. Not more than one twenty-fourth of the amount appropriated under this act for each department or institution for the two years ending June thirteenth, nineteen hundred and fifteen, shall be expended during any one month without the consent of the state board of control, and not more than one half of such appropriation shall be expended during the sixty-fifth fiscal year, unless the same has been expressly authorized by this act. Monthly expenditure.

SEC. 5. The officers of the various departments, boards, commissions, and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditure in excess of such appropriations, except the unanimous consent of the state board of control be first obtained, and a certificate, in writing, duly signed by every member of said board, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void, and shall not be allowed by said state board of control, nor paid out of any state appropriations; *provided*, that any member of any such department, board, commissions, or institutions, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the unanimous consent of the state board of control, and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation, to whom such indebtedness is owing. Expenditure in excess of appropriation.

SEC. 6. No money appropriated by this act shall be used to renew, or pay for the renewal of any fire insurance on any public building or property, nor to effect or pay for any new insurance on any public building or property, except the state printing office and its contents. Fire insurance.

SEC. 7. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately. Current expenses.

The annexed general appropriation bill, Assembly Bill 1006, is hereby approved, except as to the items hereinafter specifically set forth. Items vetoed.

The following is a statement of the items to which objection is made and which are disapproved and the reasons for such disapproval, to wit:

(1) The item "For salary of director of hygienic laboratory, six thousand dollars", at page 12.

It is unnecessary that this item should be included in the general appropriation bill. It should be paid out of the amount appropriated for the support of the state board of health and for the support of the "state hygienic laboratory."

(2) The item "For salary of sanitary engineer, six thousand dollars", at page 12.

By special appropriation the sum of \$100,000 has been given to the state board of health and in other respects its appropriation has been

Items
vetoed.

increased this year, and the item "sanitary engineer, six thousand dollars", is unnecessary. The position should not be created by the general appropriation bill. If work of the character performed by a sanitary engineer is desired, the state board of health, under its general appropriation, may have such work done.

(3) The item "For expense of engineering division, two thousand dollars", at page 12.

This item is unnecessary and is covered by the appropriations that have been made for the state board of health.

(4) Under the caption "Industrial Accident Board", page 13, the item "For department of industrial safety, ten thousand dollars".

This appropriation is unnecessary in view of the other appropriation made, and particularly because all that may be contemplated by this act is fully covered in the special appropriations that have been made for the purpose.

(5) Under the caption "Industrial Accident Board", page 13, the item "For payment of compensation benefits accruing by reason of personal injury resulting from accidents to state officers and employees while performing service growing out of and incidental to their employment, twelve thousand dollars".

The inclusion of this item at this time is unnecessary. The state, of course, expects hereafter to pay for injuries suffered by employees of the state, but the general workmen's compensation act does not go into effect until January 1st, 1914, and to the next legislature may be left such appropriations as may be necessary for claims that have been ascertained and adjusted against the state.

(6) Under the caption "University of California", page 16, the item "For printing, etc., University of California, twelve thousand dollars".

Because with its printing plant and with the appropriations that have been made to it, the university can and ought, without injustice, pay its necessary printing bills.

(7) Under the caption "University of California", at page 16, the item "For university extension work, fifty thousand dollars".

Because it is unnecessary that this item be included in the general appropriation bill. This item is not disapproved because of any lack of enthusiasm for university extension work. On the contrary, it is the wish of the legislature and the governor of the State of California, that the university extension work be carried on, improved and broadened. It is the hope and the desire of all familiar with the appropriations for the university, that plans for a greater extension work shall be matured without delay, and that a greater and broader work in this field shall be immediately commenced. The state this year has provided for the University of California with the utmost generosity, and its appropriations at this session of the legislature far exceed those ever before made. This has been done in pursuance of the fixed purpose of the state administration to bring the university closer to the people, and to render it of the service it should be to the toilers, the farmers and the horticulturists of the state, and to bring to all classes some of its benefits. One of the methods of thus bringing to all something of value is by university extension work; and this can be and should be not only continued but greatly improved and enlarged out of the extraordinarily liberal appropriations that have been given this year.

(8) Under the caption "State Board of Forestry", page 20, the item "For fire protection, state board of forestry, fifty thousand dollars".

Because there is no proper or adequate method for the administration of this particular item and therefore it should not be inserted in the general appropriation bill.

(9) On page 22 the item "For support of Folsom State Hospital, twelve thousand dollars".

Upon the ground that the said item is unnecessary.

(10) On page 22 of said bill, the item "For salaries of officers and employees of same, twelve thousand dollars".

Because there are as yet no officers or employees of the Folsom State Hospital and it is unnecessary that provision should be made for them at this time, and the said item is therefore unnecessary.

(11) On page 23, item "For rent of quarters of state offices in Sacramento outside of capitol building, and cost of moving, to be expended under the direction of board of control, forty-five thousand dollars".

Because this item has not been accurately estimated and because if it shall be necessary to rent offices outside of the state capitol, during the next biennial fiscal period, provision may be otherwise made than by this appropriation and the item is deemed unnecessary.

(12) Under the caption "State Board of Prison Directors", page 22, the item "For parole work, thirty thousand dollars".

Because it is unnecessary that this item should be in the general appropriation bill. By special appropriation the sum of \$35,000 has been provided for this work. Items vetoed.

(13) Under the caption "State Board of Charities and Corrections", page 21, the item "For salaries and expenses, state board of charities and corrections (Stats. 1911, page 1335), twenty-five thousand dollars."

Under the continuing statute now in force the necessary appropriation is made for the exact maintenance of the state board of charities and corrections, and the above item is inaccurate in the amount, and unnecessarily inserted in the general appropriation bill.

(14) Under the caption "State Library", page 16, the item "For salaries of two deputy state librarians, seven thousand two hundred dollars".

Because the inclusion of said item in the general appropriation bill is improper and unnecessary. Under the law, the deputies mentioned are to be paid out of the support and maintenance for the state library, the item following the one disapproved.

(15) Under the caption "State Mining Bureau", page 19, the item "For printing, etc., state mining bureau, seven thousand five hundred dollars".

Because the inclusion of the said item separately in the general appropriation bill, is unnecessary, and the printing of the state mining bureau can be paid from the support of the same.

(16) Under the caption "State Agricultural Society", page 19, the item "For printing, etc., state agricultural society, six thousand five hundred dollars".

Because such printing as may be desired by the society may be paid by the increased support that has been given by the general appropriation bill, and the inclusion of the particular item disapproved is unnecessary. In addition, expenditures for printing by the state agricultural society are principally in the printing of statistics and by the continuing statute in force. A sufficient appropriation is made for that purpose.

(17) Under the caption "State Engineering Department", on page 15, the item "For improvement and maintenance of Sonora and Mono road, ten thousand dollars".

Because the inclusion of said item in the general appropriation bill is unnecessary. The state engineer informs me that he has a balance on hand possibly sufficient to do the work contemplated and desired upon said road, and if the said sum shall not be wholly sufficient, the residue necessary will be readily accorded from the emergency fund of the board of control.

CHAPTER 681.

An act authorizing the governor to appoint a commission to investigate and report at the forty-first session of the legislature concerning the adoption of a system of old age insurance and pensions, and mothers' pensions, and making an appropriation therefor.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. The governor of California is hereby authorized and requested to appoint a commission consisting of five persons, citizens of this state, one of whom shall be a member of the state board of control, to investigate and consider the various systems of old age insurance, old age pensions or annuities, also mothers' pensions or mothers' compensations now in use in different counties of this or other states, and as may be proposed or as are now in operation in other states of this country or elsewhere abroad, and to make a full and complete report of its findings with all data so obtained, properly tabulated, to the legislature at its next regular session. Said commission shall report also statistics showing the probable

Commission to investigate old age insurance and pensions, and mothers' pensions.

expense to the state of various systems, or of any system that it may recommend for adoption together with any bills of its own relating to this subject that may be deemed expedient.

Appropriation.

SEC. 2. There is hereby appropriated out of the general fund not otherwise appropriated, and the controller is herewith authorized and directed to issue his warrants for same from time to time, and the treasurer is likewise authorized and directed to pay the same on presentation of said warrants, the sum of three thousand dollars or any portion thereof as may in the judgment of the commission be required to complete its work under the provisions of this act.

CHAPTER 682.

An act to amend section four thousand two hundred and thirty-six of the Political Code of the State of California, relating to salaries of officers in counties of the seventh class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred thirty-six of the Political Code is hereby amended to read as follows:

Counties,
seventh
class,
salaries
of officers.
County
clerk.

4236. In counties of the seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum; one registration clerk who shall receive a salary of one thousand five hundred dollars per annum; three court clerks who shall receive salaries of one thousand five hundred dollars each per annum; two deputies who shall receive salaries of one thousand three hundred and fifty dollars each per annum; one index clerk who shall receive a salary of one thousand two hundred dollars per annum; one stenographer who shall receive a salary of one thousand and twenty dollars per annum; three copyists who shall receive salaries of one thousand and twenty dollars each per annum; and a deputy or deputies, not to exceed five, for the purpose of registering electors, to be paid not to exceed four dollars per diem each; *provided*, that said deputies so employed for registering electors shall not be employed except during a year when a general election is to be held throughout the state, and then only between the first day of June and the fifteenth day of November of said year, and such deputies as may be needed for the purpose of registering electors in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants, who shall be paid ten cents per name for each person legally registered by them, the salaries

and compensations of each of said deputies and clerks to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as the other county officials are paid.

2. The sheriff, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be ^{Sheriff.} and there hereby is allowed to the sheriff one under-sheriff, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum, and the following deputies and employees: One deputy who shall be head jailer, and who shall receive the salary of one thousand five hundred dollars per annum; one deputy who shall receive a salary of one thousand two hundred dollars per annum; one deputy who shall receive a salary of nine hundred dollars per annum; a service deputy who shall receive a salary of one thousand five hundred dollars per annum; five deputies who shall receive salaries of one thousand two hundred dollars each, per annum; one stenographer who shall receive a salary of nine hundred dollars per annum; one bookkeeper who shall receive a salary of one thousand two hundred dollars per annum; six deputies who shall be turnkeys at the jail, whose salaries shall be one thousand and twenty dollars each, per annum, but no more turnkeys are to be employed than are absolutely necessary to handle the requirements of the jail; and three deputies who shall be known as country deputies, who shall receive salaries of one thousand two hundred dollars each per annum. In counties of this class there shall be a matron of the county jail, to be appointed by the sheriff, and who, under the direction of the sheriff, shall have charge of all female prisoners in the county jail, and who shall receive a salary of nine hundred dollars per annum, to be paid by the county in monthly installments at the same time, in the same manner, and out of the same fund as is the salary of the sheriff. In counties of this class the sheriff shall be allowed by the board of supervisors his actual necessary expenses for pursuing criminals, or for transacting of criminal business, and his actual necessary expenses for service of all process and notices, and each and all such expenses shall be a charge against the county and allowed by the board of supervisors, and paid as other county charges are paid. In counties of this class the sheriffs shall receive no per diem for taking prisoners to and from state institutions and shall be allowed their actual expenses only; nor shall the sheriffs be allowed to retain for their own use any fees for service of any process issued out of any court in the counties of which they are sheriffs, but such fees shall when collected be turned in to the county treasurers of such counties; and all mileage heretofore allowed to sheriffs of such counties for the service of any such papers or process issued out of any such courts shall be collected by said sheriffs and paid in to the county treasuries, except that the sheriffs shall be paid by the counties, on presentation of their bills duly verified in the manner provided by law, their actual expenses incurred by them in serving such papers or process. The pro-

visions of this section shall apply to the service of all process, whether criminal or civil, and to the transportation of all persons or prisoners to or from state institutions.

Recorder.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists who shall be appointed by the recorder of said county, and shall be paid as follows: One chief deputy who shall receive one thousand eight hundred dollars per annum; one index deputy who shall receive a salary of one thousand three hundred and fifty dollars per annum; one assistant index clerk who shall receive a salary of one thousand two hundred dollars per annum; one chief filing clerk who shall receive a salary of one thousand two hundred dollars per annum; one assistant filing clerk who shall receive a salary of one thousand and twenty dollars per annum; three compilation clerks who shall receive salaries of one thousand and twenty dollars each, per annum; and as many copyists as may be required, who shall receive as compensation the sum of five cents per folio for recording all instruments or notices except maps and plats, and for copies of any records, five cents per folio.

Auditor.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that there is hereby allowed to the auditor the following deputies: One chief deputy who shall receive a salary of one thousand nine hundred and fifty dollars per annum; one deputy who shall receive a salary of one thousand six hundred and eighty dollars per annum; one deputy who shall receive a salary of one thousand three hundred and fifty dollars per annum; one deputy who shall receive a salary of nine hundred dollars per annum; five additional deputies at a salary of four dollars per day each, for each day employed for a period not to exceed one hundred and fifty-six days in any one year.

Treasurer.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer, the following deputies, who shall be appointed by the treasurer and shall receive salaries as follows: One deputy who shall receive a salary of two thousand one hundred dollars per annum, and one deputy who shall receive a salary of one thousand three hundred and fifty dollars per annum. The salary of the treasurer hereinabove provided shall be in full compensation for all services rendered, and the fees heretofore chargeable and collected by him for returning to the state the collateral inheritance tax and for the performance of his official duties in connection therewith shall be paid in to the county treasury and be the property of said county; and said treasurer shall receive no fees, compensation or commissions of any kind or character for any service rendered by him in connection with said collateral inheritance tax.

6. The tax collector, three thousand six hundred dollars per

annum and such fees as are allowed by law; one chief deputy ^{Tax collector.} who shall receive a salary of two thousand one hundred dollars per annum; two deputies who shall receive salaries of one thousand three hundred and fifty dollars each, per annum; two deputies who shall receive salaries of one thousand two hundred dollars each, per annum; a stenographer who shall receive a salary of one thousand and twenty dollars per annum; twelve additional clerks at a salary of four dollars per day each, for each day employed, for a period not to exceed one hundred and fifty-six days in any one year.

7. The assessor, three thousand six hundred dollars per annum, and traveling expenses incurred in the discharge of his official duties not exceeding three hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is allowed to the assessor, one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum; one first deputy who shall receive a salary of one thousand three hundred and fifty dollars per annum; a second deputy who shall receive a salary of one thousand two hundred dollars per annum; two deputies for a period not exceeding six months in any one year at salaries of one hundred dollars per month each; one deputy for a period not exceeding five months in any one year at a salary of one hundred dollars per month; four deputies for a period not exceeding four months in any one year, at salaries of one hundred dollars each per month; one stenographer who shall receive a salary of one thousand and twenty dollars per annum; six deputies for a period not exceeding one hundred and four days each fourth year, whose per diem shall be four dollars each when actually employed. It is further provided that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes, or road poll taxes, nor shall the assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section one thousand nine hundred and one of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll taxes and road poll taxes shall be allowed to such counties on their settlement with the state, and be and remain the property of such counties. It is further provided that in counties of this class, in addition to the deputies already allowed, there shall be and is hereby allowed to the assessor, twenty deputies who shall receive salaries of four dollars per day each, five deputies who shall receive salaries of five dollars per day each, and five deputies who shall receive salaries of three dollars per day each for a period not exceeding seventy-eight days in any one year.

8. The district attorney, four thousand dollars per annum; also one assistant district attorney ^{District attorney.} who shall receive a salary of three thousand dollars per annum; two deputy district attorneys who shall receive salaries of two thousand four

hundred dollars each per annum; one deputy district attorney who shall receive a salary of two thousand dollars per annum; one deputy district attorney who shall receive a salary of one thousand eight hundred dollars per annum, and two stenographers who shall receive salaries of one thousand two hundred dollars each, per annum. It is further provided that in counties of this class the district attorney be and is hereby allowed a detective who shall receive a salary of one thousand six hundred and fifty dollars per annum.

Superintendent
of Schools.

9. The superintendent of public schools, two thousand seven hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the superintendent of public schools, one assistant superintendent, who shall receive a salary of two thousand dollars per annum; one deputy superintendent who shall receive a salary of one thousand two hundred dollars per annum and one book-keeper who shall receive a salary of one thousand two hundred dollars per annum. In counties of this class the secretary of the county board of education shall not be paid or allowed to receive any compensation whatever for his services as secretary of such board, nor for any services rendered in connection therewith; *and provided, further*, that in counties of this class, the county school superintendent shall receive his actual and necessary traveling expenses for visiting and examining the various schools in his county; *provided*, that this amount shall not exceed five dollars per district per annum.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Coroner.

11. The coroner, one thousand five hundred dollars, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses in the performance of his official duties within the county, when called away from the county seat. It is further provided that in counties of this class there shall be and there is hereby allowed the coroner, one assistant coroner, who shall receive a salary of nine hundred dollars per annum; one autopsy surgeon to be appointed by the coroner who shall receive a salary of one thousand five hundred dollars per annum, and one summoning officer who shall, as compensation for his services, receive a fee of twenty-five cents for each and every person sworn as a coroner's juror.

Surveyor.

12. The surveyor, three thousand six hundred dollars per annum, also one office deputy who shall receive a salary of one thousand eight hundred dollars per annum; one principal field deputy who shall receive a salary of one thousand eight hundred dollars per annum; one assistant field deputy in the assessor's office who shall receive a salary of one thousand two hundred dollars per annum; one assistant office deputy who shall receive a salary of one thousand and eighty dollars per annum; three draftsmen who shall receive salaries of nine hundred dollars each per annum; two deputies, chiefs of parties, who shall receive salaries of one thousand two

hundred dollars each per annum; three instrument men who shall receive salaries of nine hundred and sixty dollars each per annum, and such other assistants as may be necessary for field work, who shall receive a compensation of three dollars per diem and expenses, when working in the field.

13. Constables, in civil cases, such fees as are now or may hereafter be allowed by law; and in criminal cases in townships having a population of sixteen thousand or more, in lieu of fees now allowed by law, the sum of one hundred dollars per month; and in townships having a population of less than sixteen thousand, such fees as are now, or may hereafter be allowed by law; *provided, however*, that no constable in such township shall be allowed in any one month out of the county treasury more than one hundred dollars in misdemeanor cases; *provided, further*, that in such townships they shall receive for each day's attendance in criminal cases, when required by the justice to be present, two dollars per day; *provided, further*, that in all townships the constables thereof shall be allowed actual traveling expenses only, in lieu of mileage, for taking prisoners to the county jail.

Constables.

14. Justices of the peace, in all townships having a population of sixteen thousand or more, three thousand dollars per annum in full of all compensation in both civil and criminal cases; in townships having a population of less than sixteen thousand, such fees as are now, or may hereafter be allowed by law; *provided, however*, that no justices of the peace in such townships shall be allowed, in any one month out of the county treasury, more than one hundred dollars in misdemeanor cases. The board of supervisors of such county shall furnish the township justices of the peace and the constables in townships having a population of sixteen thousand or more, with suitable court rooms for said justices of the peace, and an office with necessary and proper furniture therefor, for each of said constables.

Justices of the Peace.

15. Each member of the board of supervisors, one thousand dollars per annum and fifteen cents per mile in going from his residence to the county seat at each meeting of the board. Also five hundred dollars per annum each and fifteen cents for each mile actually traveled in performing services as road commissioner; *provided*, that said supervisors shall not in any one year receive more than one thousand dollars each in mileage as road commissioner.

Supervisors.

16. Bringing records down to date in any office in counties of the seventh class, when the work of said office has not been brought down to date, and was in such condition when the present incumbent was inducted into office, the board of supervisors may authorize said incumbent to perform the labors that should have been performed by his predecessors in office and for that purpose may authorize said incumbent to employ special clerical help, at a compensation to be fixed by the board of supervisors, at so much per diem; *provided*, that the provisions herein shall apply only to work that should have been done by the incumbent's predecessor in office.

Special help.

Deputies,
etc., paid
monthly.

17. The deputies, clerks, copyists and employees mentioned in this section are hereby allowed to the respective county officers named, who shall appoint the same, and said deputies, clerks, copyists and employees shall be paid by the counties of this class in monthly installments, at the same time, in the same manner and out of the same fund as the salaries of the county officers are paid.

CHAPTER 683.

An act to amend section four thousand two hundred and forty-one of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the twelfth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred and forty-one of the Political Code of the State of California, is hereby amended to read as follows:

Counties,
twelfth
class,
salaries
of officers.

4241. In counties of the twelfth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

County
clerk.

1. The county clerk, four thousand dollars per annum, one deputy at twelve hundred dollars per annum, and ten cents per name of each elector entered upon the great register of the county, and also such fees as may be allowed by law for issuing hunting and fishing licenses, and all naturalization fees allowed to the clerk by the naturalization laws of the United States.

Sheriff.

2. The sheriff, sixty-five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty within the county, and at the rate of ten cents per mile, one way only for every mile necessarily traveled in the performance of such duty outside of the county.

Recorder.

3. The recorder, two thousand dollars per annum, and one deputy at twelve hundred dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid by the county treasurer, out of the county treasury.

4. The auditor, twenty-four hundred dollars per annum and one deputy at a salary of twelve hundred dollars per annum.

5. The treasurer, twenty-four hundred dollars per annum, and one deputy at a salary of twelve hundred dollars per annum.

Tax
collector.

6. The tax collector, twenty-four hundred dollars per annum, and a deputy at twelve hundred dollars per annum, and ten clerks at fifty dollars per month each for the months of October and November of each year.

7. The assessor, twenty-four hundred dollars per annum, a Assessor. chief deputy at twelve hundred dollars per annum, and fifteen field deputies for the months of March, April, May and June of each year, each of which field deputies shall receive a salary of five dollars per day for each day actually employed in the performance of his duties. He shall also have for use in his office and under his supervision and control, a draftsman, which office of draftsman is hereby, by the terms of this act, expressly created. It shall be the duty of said draftsman to prepare, under the supervision of the assessor, for use in said office, proper books, blanks and plat books. Said position of draftsman shall be filled by the assessor in the same manner as deputies are appointed by him, and the said draftsman shall receive a salary of fifteen hundred dollars per annum, to be paid in the same manner as the salaries of county officers are paid.

8. The district attorney, three thousand dollars per annum. District attorney. He shall have a deputy at a salary of two thousand dollars per annum, and he shall also have for use in his office, and under his supervision and control, a stenographer, which office of stenographer is hereby, by the terms of this act, expressly created. The said position of stenographer shall be filled by the district attorney in the same manner as deputies are appointed by him, and said stenographer shall receive a salary of seventy-five dollars per month, to be paid in the same manner as the salaries of county officers are paid.

9. The coroner, such fees as are now, or may be hereafter allowed by law.

10. The public administrator, such fees as are now, or may be hereafter allowed by law.

11. The superintendent of schools, for full services, including his duties with and on the county board of education, twenty-two hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, and one deputy at a salary of twelve hundred dollars per annum. Superintendent of schools.

12. The county surveyor shall receive a salary of two thousand dollars per annum, and he shall be allowed one deputy at twelve hundred dollars per annum. The surveyor shall be allowed, not to exceed seven hundred and twenty dollars per annum for salary of chainmen, traveling and field expenses of self and chainmen or assistant in the field. In addition to the duties as now provided for by law the surveyor shall furnish the county assessor with maps of colony, subdivision, or tracts filed for record in the recorder's office, desired by him for his official plat books. The surveyor shall give his entire time to the duties of the office; *provided*, when there is no county work to be done, he may survey for private individuals, corporations, or companies, when called upon to do so, but all fees at the rate of eight dollars per day thus earned must be turned over to the treasurer of the county to be expended as the board of supervisors may see fit. Surveyor.

13. Justices of the peace shall receive the following monthly

Justices of
the peace.

salaries to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered as hereinafter provided: In townships having a population of three thousand or more, eighty-five dollars per month, which said salaries shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases, shall be paid by said justices of the peace into the county treasury as the fees of county officers are paid in. In townships having a population of not less than two thousand and under three thousand, thirty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases such fees as are now or may be hereafter allowed by law. In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may hereafter be allowed by law. In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

Con-
-stables.

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases: In townships having a population of more than three thousand, fifty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. In townships having a population of not less than two thousand and under three thousand, forty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use, such fees as are now or may be hereafter allowed by law for all services performed in civil actions. In townships having a population of not less than one thousand and under two thousand, twenty-five dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. In townships having a population of less than one thousand, ten dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil actions. In addition to the monthly salary allowed herein, each constable

shall be allowed ten cents per mile, for each mile necessarily traveled in the execution of all criminal process within the county, and ten cents per mile, one way only, for each mile necessarily traveled in the execution of all criminal process outside the county. In addition, each constable shall be allowed all expenses necessarily and actually incurred by him in transporting prisoners to court and to prison.

15. It shall be the duty of each and every constable and justice of the peace to file on or before the first Monday of each and every month, a full and complete statement, showing all business, both civil and criminal, done during the preceding month, with the board of supervisors, and he shall file the same on or before said date above mentioned, with the clerk of said board. The statement of the constable shall contain a full and correct account of all process served in both civil and criminal actions, also in criminal cases the places where defendants were arrested, together with the mileage. And justices of the peace shall file a full and correct statement of all civil and criminal actions and fees received therefrom. Said statements to be sworn to either before the county clerk or some officer allowed by law to administer oaths.

State-
ments of
township
officers

16. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

17. Each supervisor, fifteen hundred dollars per annum, for personal services performed by him as supervisor, member of the board of equalization, and road commissioner. Each supervisor shall also receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, to be allowed by the board of supervisors and paid out of the county general fund; *provided*, that the amount so allowed him for such expenses shall not exceed sixty dollars for any one month.

Super-
visors.

18. No fees shall be allowed the sheriff or tax collector for collecting licenses in counties of this class.

19. In counties of this class, there shall be one probation officer whose salary shall be one hundred dollars per month.

Probation
officer.

CHAPTER 684.

An act to amend section four thousand two hundred and seventy-five of the Political Code, relating to the compensation of officers of counties of the forty-sixth class.

[Approved June 16, 1913. In effect January 4, 1915.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred and seventy-five of the Political Code is hereby amended to read as follows:

4275. In counties of the forty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Counties,
forty-sixth
class,
salaries
of officers.

County clerk. 1. The county clerk, twenty-six hundred dollars per annum and the fees required of him by law to collect, as county clerk, as are now or may be hereafter allowed by law for such office, exclusive of such fees as may be provided by law on account of or for a law library fund.

Sheriff. 2. The sheriff, five thousand dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county; also, his actual and necessary traveling expenses in the execution of a warrant outside of his county issued by a court or magistrate of his county.

Recorder. 3. The recorder, sixteen hundred and fifty dollars per annum and one half of the fees required of him by law to collect, as county recorder, as are now or may be hereafter allowed by law for such office.

4. The auditor, fifteen hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, fifteen hundred dollars per annum.

7. The assessor, twenty-five hundred dollars per annum.

District attorney. 8. The district attorney, three thousand dollars per annum; *provided*, that said officer shall refrain from the private practice of law; *provided*, that the sum of fifty dollars per month, in addition to above expenses, shall be allowed to the district attorney for the purpose of employing a stenographer for his office.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools. 11. The superintendent of schools, twenty-seven hundred dollars per annum, and traveling expenses while visiting schools of his county; and for services as secretary of the board of education he shall receive five dollars per day for each day said board is in session.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of the peace. 13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, twenty dollars per month. In addition to the compensation received in criminal cases each justice of the peace shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

Constables. 14. Constables shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In

townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, twenty dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases each constable shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

15. Each supervisor, five dollars per day while attending sessions of the board and while engaged in the performance of the duties of road commissioner, and mileage at the rate of twenty cents per mile for traveling from residence to county seat in attendance upon a regular session of the board. SUPERVISOR

16. The official reporters, same as now provided by law.

17. In counties of this class grand jurors and trial jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, the sum of fifteen cents; such mileage to be allowed but once during each session such jurors are required to attend. FEES,
JURORS.

SEC. 2. This act shall take effect and be in force from and after the first Monday after the first day of January, 1915.

CHAPTER 685.

An act to amend section four thousand two hundred and forty-six of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred and forty-six of the Political Code of the State of California is hereby amended to read as follows:

4246. In counties of the seventeenth class the county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following salaries, to wit: COUNTIES,
SEVENTEENTH
CLASS,
SALARIES
OF OFFICERS.

1. The county clerk, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following deputies who shall be appointed by the county clerk and shall be paid salaries as follows: One chief deputy clerk, at a salary of fifteen hundred dollars per annum; one court room deputy clerk, at a salary of twelve hundred dollars per annum; and one clerk of the board of supervisors, at a salary of one thousand dollars per annum. In each year in which a new and complete registration of voters is required by law, said county COUNTY
CLERK.

clerk shall receive such additional amount as shall be deemed necessary by the board of supervisors for extra help in the office during such work, and also receive an additional sum of seven and one half cents per name for taking affidavits for registration outside of the office by deputy registration clerks, the claims for which shall be presented to and allowed by the board of supervisors as other claims are presented and allowed. The salaries of the deputies herein provided for shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk.

2. The sheriff, six thousand dollars per annum.

Recorder.

3. The recorder, twenty-eight hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder the following deputies, who shall be appointed by the recorder and shall be paid salaries as follows: One chief deputy at a salary of ninety dollars per month, and one deputy at a salary of seventy-five dollars per month; said salaries to be paid by said counties in monthly installments at the same time and in the same manner and out of the same funds as the salary of the recorder is paid.

Auditor.

4. The auditor twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the auditor one chief deputy, who shall be appointed by the county auditor and paid a salary of one hundred dollars per month; *and also, provided*, that the auditor shall be allowed such an additional amount as may be deemed necessary by the board of supervisors for extra help in his office, said amount for extra help not to exceed the sum of five hundred dollars in any one year, said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the county auditor is paid.

5. The treasurer, one thousand five hundred dollars per annum.

Tax collector.

6. The tax collector, twenty-five hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector one deputy who shall be appointed by said tax collector, at a salary of twelve hundred dollars per annum, said salary to be paid by said county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the tax collector is paid; *also provided*, that the said tax collector shall be allowed such an additional amount as may be deemed necessary by the board of supervisors for extra help in the office; said amount for said extra help shall not exceed in the aggregate the sum of two hundred dollars in any one year.

Assessor.

7. The assessor, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor two deputies, one for a period of six months during each fiscal year, who shall be appointed by

said assessor and be paid a salary of ninety dollars per month; and one for a period of six months during each fiscal year, who shall be appointed by said assessor and be paid a salary of seventy-five dollars per month; said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

8. The district attorney, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney the following deputies, who shall be appointed by the district attorney and shall be paid salaries as follows: One chief deputy at a salary of seventy-five dollars per month; one deputy at a salary of fifty dollars per month; one deputy at a salary of twenty-five dollars per month; said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his, or her, county; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one deputy, who shall be appointed by the superintendent of schools and paid a salary of ninety dollars per month, said salary to be paid by said county in monthly installments, and at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid. Superintendent of schools.

12. The county surveyor shall receive fifteen hundred dollars per annum and necessary costs of transportation to and from, and necessary expenses in, the field while engaged on public work; *provided*, that whenever said surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same. Surveyor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than ten thousand, ninety dollars per month; in townships having a population of thirty-five hundred and not over ten thousand, seventy-five dollars per month; in townships having a population of two thousand and not over thirty-five hundred, fifty dollars per month; in townships under two thousand population, twenty-five dollars per month; *provided*, that in townships where there have been no justices of the peace appointed or elected for two years preceding, justices of the peace shall be allowed such fees as are now or may here- Justices of the peace.

after be allowed by law in criminal cases. In addition to the above compensation received in criminal cases, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by them in civil cases. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1910.

Con-
stables.

14. Constables shall receive the following monthly salaries, to be paid each month and in the same manner and at the same time and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than ten thousand, seventy-five dollars per month; in townships having a population of thirty-five hundred and not over ten thousand, seventy dollars per month; in townships having a population of two thousand and not over thirty-five hundred, forty dollars per month; in townships having a population of under two thousand, twenty-five dollars per month; *provided*, that in townships where there have been no constables appointed or elected for two years preceding, constables shall be allowed such fees as are now or may hereafter be allowed by law in criminal cases. In addition to the above compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases. Constables shall also be allowed all necessary expenses incurred in conveying prisoners. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year A. D. 1910.

Super-
visors.

15. Each supervisor, six hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat; and as road commissioner, four dollars per day for not to exceed eighteen days in any one month; *provided*, that said supervisors shall receive no mileage when acting as road commissioner, but shall receive his actual traveling expenses while acting as such road commissioner, not to exceed the sum of two hundred dollars in any one year.

CHAPTER 686.

An act to amend section four thousand two hundred and sixty-one of the Political Code of the State of California, relating to the salaries and fees of officers in counties of the thirty-second class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred and sixty-one of the Political Code of the State of California is hereby amended to read as follows;

4261. In counties of the thirty-second class, the county officers shall receive as compensation for their services required of them by law, or by virtue of their office, the following salary, or fees, to wit: Counties,
thirty-
second
class,
salaries
of officers.

1. The county clerk, two thousand five hundred dollars per annum, and one deputy at a salary of one thousand two hundred dollars per annum, and one deputy at a salary of one thousand dollars per annum. The salary of said deputies to be payable monthly in the same manner as the salaries of the other county officers are paid. County
clerk.

2. The sheriff, four thousand dollars per annum, and one jailer at a salary of one hundred dollars per month, and one bailiff at a salary of seventy-five dollars per month, which office of bailiff is hereby created, the salary of said jailer and bailiff payable monthly in the same manner as the salaries of the other county officers are paid. Sheriff.

3. The recorder, two thousand dollars per annum, and one copyist at a salary of eight hundred dollars per annum, which office of copyist is hereby created, and one copyist at a salary of eight hundred dollars per annum, which office of copyist is hereby created, the salary of said copyists payable monthly in the same manner as the salaries of other county officers are paid. Recorder.

4. The auditor, two thousand dollars per annum, and one deputy during the months of July, August, September, October, November and December of each year, at a salary of one hundred dollars per month, which office of deputy auditor is hereby created, the salary of said deputy payable monthly in the same manner as the salaries of other county officers are paid. Auditor.

5. The treasurer, two thousand dollars per annum.

6. The tax collector two thousand five hundred dollars per annum, and one deputy at a salary of seventy-five dollars per month, which office of deputy tax collector is hereby created, the salary of said deputy payable monthly in the same manner as the salaries of other county officers are paid. Tax
collector.

7. The assessor four thousand five hundred dollars per annum; one chief deputy, which office of chief deputy assessor is hereby created, at a salary of one thousand two hundred dollars per annum, payable monthly in the same manner as the salaries of other county officers are paid; and one copyist for a period of four months in each year, which office of copyist is hereby created, at a salary of seventy-five dollars per month, payable during the months of March, April, May and June of each year, in the same manner as the salaries of other county officers are paid. The assessor may also appoint such number of additional deputies as he shall deem necessary, the salaries of such additional deputies to be paid by the assessor out of his salary above provided for. All sums collected by the assessor or his deputies as fees or commissions allowed by law for the collection of personal property taxes, for making the military roll and for commissions now or hereafter allowed by law for the collection of poll taxes, shall be paid into the county Assessor.

treasury, for the use of said county, monthly as collected, with a statement of account of such collection.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now, or may be hereafter provided by law.

10. The public administrator, such fees as are now, or may be hereafter provided by law.

Superintendent
of schools

11. The superintendent of schools, one thousand eight hundred dollars per annum, and one clerk, which office of clerk to the superintendent of schools is hereby created, at a salary of six hundred dollars per annum, payable monthly in the same manner as the salaries of other county officers are paid.

12. The surveyor, such fees as are now, or may be hereafter provided by law.

Super-
visors.

13. Supervisors, each the sum of eight hundred dollars per annum, in full for all services performed by them as supervisors, and as members of the board of equalization, and road commissioners, and in any and every other capacity.

Justices of
the peace
and con-
stables.

14. In counties of this class the township officers shall receive the following compensation, to wit: In townships having a population of six thousand or over, justices of the peace shall receive a monthly salary of seventy-five dollars, and constables a monthly salary of one hundred dollars each. In townships having a population of less than six thousand and over three thousand, each justice of the peace shall receive a monthly salary of fifty dollars, and constables a monthly salary of seventy-five dollars each. In townships having a population of less than three thousand and over seven hundred and fifty, each justice of the peace shall receive a monthly salary of thirty-five dollars, and constables a monthly salary of fifty dollars each. In townships having a population of less than seven hundred and fifty, the justice of the peace shall receive a monthly salary of five dollars, and constables a monthly salary of ten dollars each. The above named salaries of justices of the peace and constables shall be in full compensation for all services of said justices of the peace and constables in criminal cases. They may also retain for their own use all other fees, except those in criminal cases, as are now or may hereafter be provided by law.

Fees,
jurors.

15. Grand jurors and jurors in the superior court in criminal cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in going only while acting as such juror ten cents, and the judge of said court shall make an order directing the auditor to draw his warrant on the treasury in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

CHAPTER 687.

An act to amend section four thousand two hundred seventy-three of the Political Code relating to salaries of county officers in counties of the forty-fourth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred seventy-three of the Political Code is hereby amended to read as follows:

4273. In counties of the forty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Counties, forty-fourth class, salaries of officers.

1. The county clerk, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed to the county clerk, one deputy clerk, who shall be appointed by the county clerk and shall be paid a salary as follows: the sum of one thousand dollars per annum, which shall be paid by said county in equal monthly installments at the time and in the same manner and out of the same fund as the salary of the clerk is paid. County clerk.

2. The sheriff, four thousand dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county. There is also hereby allowed the sheriff one office deputy who shall be appointed by the sheriff and who shall be paid a salary of one thousand dollars per annum, which shall be paid by the county in equal monthly installments at the time and in the same manner and out of the same fund as the salary of the sheriff is paid. The recorder, sixteen hundred dollars per annum, and in addition to his salary fifty per cent of fees collected by him when such fees are one hundred dollars or less and in addition thereto twenty-five per cent of all fees over one hundred dollars so collected. sheriff.

4. The auditor, two thousand one hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, one thousand one hundred dollars per annum. He shall also receive as compensation to be paid to him for his services one third of one per cent of all moneys collected by him as tax collector. Tax collector.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand four hun-

dred dollars per annum, and actual traveling expenses when visiting the schools of his county.

Surveyor.

12. The surveyor, fifteen hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors, and as ex officio county recorder; *provided*, that he shall be entitled to receive from the county his actual and necessary traveling expenses, incurred in the performance of any order of the court or board of supervisors; for all other services the fees allowed by law.

Justices of the peace

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, thirty dollars per month. In addition to the compensation received in criminal cases each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Constables.

14. Constables shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, thirty dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Supervisors.

15. Each supervisor, one hundred dollars per month, and mileage at the rate of twenty cents per mile for traveling from residence to county seat to attend upon a session of the board. The salary herein allowed shall be in full for all services, including duties as road commissioner.

16. The official reporter, such fees as are now provided by law.

Surveyor's assistants.

17. The board of supervisors in counties of this class may, by resolution, authorize the county surveyor to employ such assistants as may be necessary to perform such work as may be ordered by the board of supervisors or prescribed by law, and fix the compensation of such assistants not to exceed three dollars per day and actual necessary traveling expenses while in the field; such compensation and expenses to be allowed and paid as county charges.

CHAPTER 688.

An act to amend section four thousand twenty-one of the Political Code, relative to elective county and township officers.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand twenty-one of the Political Code is hereby amended to read as follows:

4021. All elective county and township officers, except otherwise provided for in this title and by law, shall be elected at the general election at which the governor is elected, and shall take office at twelve o'clock meridian on the first Monday after the first day of January next succeeding their election. All officers elected under the provisions of this title shall hold office until their successors are elected or appointed and qualified. Supervisors shall be elected at the general election prior to expiration of the term of the incumbent. The supervisors of any county created after the first day of July, nineteen hundred and seven, shall, within six months after the first general election succeeding the creation of such county, classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire in two years from such general election, and the term of office of the class having the lesser number shall terminate in four years from such general election; *provided*, that whenever any county has heretofore framed and adopted a charter for its own government, under the provisions of section 7½ of article XI of the constitution of this state, and such charter has been heretofore approved by the legislature, as provided in said section of the constitution, and such charter shall provide for the appointment of all or any of such county or township officers, then such officers first to be appointed under the provisions of such charter shall be deemed the successors of the like elective officers in office at the time of the approval of such charter, which elective officers shall continue to hold office for the term for which they were elected and until the appointment and qualification of their successors under such charter; and no election for any such officer whose successor is so to be appointed shall be had at any election held subsequent to the approval of such charter, except to fill a vacancy for an unexpired term.

Election of county and township officers.

When county charter is adopted.

CHAPTER 689.

An act to amend section four thousand two hundred and forty of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the eleventh class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred and forty of the Political Code of the State of California is hereby amended to read as follows:

Counties,
eleventh
class,
salaries
of officers.

County
clerk.

4240. In counties of the eleventh class the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, thirty-six hundred dollars per annum, and twelve and one half cents for each elector registered. In counties of this class the county clerk may appoint four deputy county clerks, which offices of deputy county clerks are hereby created; one at a salary of eighteen hundred dollars per annum; two at a salary of fifteen hundred dollars per annum, and one at a salary of twelve hundred dollars per annum, to hold office at the pleasure of the county clerk. The salaries and compensation of all said deputy county clerks herein provided for, each of whom shall be a deputy county clerk, shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk is paid.

Sheriff.

2. The sheriff, forty-eight hundred dollars per annum. The sheriff shall also receive for his own use the fees for mileage, which are now or which may hereafter be allowed by law, and the fees and commissions for the service of all papers whatsoever issued by any court of this state, outside of this county, and shall also receive the necessary expenses in all criminal cases; *provided*, that no constructive mileage shall be allowed. In counties of this class the sheriff may appoint six deputy sheriffs, which offices of deputy sheriffs are hereby created; one at a salary of fifteen hundred dollars per annum, and five at a salary of twelve hundred dollars per annum; said deputy sheriffs to hold office at the pleasure of the sheriff. The salaries and compensation of the said deputy sheriffs herein provided for, each of whom shall be a deputy sheriff, shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid.

Recorder.

3. The recorder, four thousand dollars per annum, and said recorder may appoint one deputy recorder who shall receive a salary of twelve hundred dollars per annum. Said recorder may also appoint four copyists at a salary of nine hundred dollars each per annum; *provided*, that said copyists being eligible, may be appointed deputy recorders without further compensation. The county recorder may also employ

such additional copyists, not to exceed two, as may be required to copy instruments filed for record within a reasonable time after the same are filed for record, and which the other copyists herein provided, are unable to copy within such time. The copying done by such additional copyists shall be paid for out of the general fund of said county at the rate of five cents per folio for the work actually and necessarily done in recording such instruments, and proper claims therefor shall be presented to and allowed by the board of supervisors. The salaries and compensation of the deputies and copyists herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; *provided*, that such recorder may be allowed the actual necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

4. The auditor, four thousand dollars per annum; and said Auditor. auditor may appoint one deputy auditor, which office of deputy auditor is hereby created, who shall receive a salary of twelve hundred dollars per annum. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same fund as the auditor is paid; *provided*, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

5. The treasurer, four thousand dollars per annum. In Treasurer. counties of this class the treasurer may appoint a deputy county treasurer, which office of deputy treasurer is hereby created at a salary of eighteen hundred dollars per annum, to hold office at the pleasure of the said treasurer. The salary and compensation of such deputy treasurer shall be paid by such county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid; *provided*, that all fees and commissions collected by him in his official capacity shall be paid into the county treasury.

6. The tax and license collector, four thousand dollars per annum. In counties of this class the tax and license collector may appoint one deputy tax and license collector, which office of deputy tax and license collector is hereby created, at a salary of twelve hundred dollars per annum; *provided, further*, [he] may appoint five clerks to serve as such only for a period of four months each year, and who shall receive a salary of sixty dollars each per month. The deputies hereby provided for shall be paid at the same time and in the same manner and out of the same fund as the tax and license collector is paid. Said salaries shall be in full for all services rendered, and all fees and commissions shall be paid into the county treasury.

7. The assessor, five thousand dollars per annum. In Assessor. counties of this class there shall be and there is hereby allowed to the assessor the following deputies and employees, who shall

be appointed by the assessor and who shall be paid salaries as follows: One deputy assessor, who shall receive a salary of fifteen hundred dollars per annum; one deputy assessor who shall receive a salary of twelve hundred dollars per annum; two deputies for a period not to exceed four months each year, whose per diem shall be six dollars each when actually employed; two deputies for a period not to exceed four months each year, whose per diem shall be five dollars when actually employed; fourteen deputies for a period not to exceed four months each year, whose per diem shall be four dollars when actually employed; two copyists for a period not to exceed four months each year, whose per diem shall be two and one half dollars when actually employed and one stenographer for a period not exceeding four months in each year, at a salary of eighty dollars per month; *provided*, that the above salaries and compensations shall be in full for all services rendered by him as such assessor and that no commission for the collection of state taxes or infirmity poll taxes or road taxes or personal property taxes shall be retained by him, nor shall the assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section nineteen hundred and one of the Political Code of the State of California, but that all fees and commissions shall be paid into the county treasury. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county assessor; *provided*, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties.

District
attorney.

8. The district attorney, four thousand dollars per annum. In counties of this class the district attorney may appoint one deputy district attorney, which office of deputy district attorney is hereby created, at a salary of eighteen hundred dollars per annum; to be paid monthly out of the county treasury in the same manner and at the same time and out of the same fund as the county officers are paid; the said deputy district attorney to hold office at the pleasure of the district attorney; *and provided, further*, that in counties of this class there shall be and there is hereby allowed the district attorney as an employee of the county, a stenographer, to be appointed by the district attorney, at a salary of one hundred dollars per month, to be paid monthly out of the county treasury in the same manner and at the same time and out of the same fund as the county officers are paid.

Coroner
and public
admin-
istrator.

9. The coroner and public administrator, three thousand dollars per annum and his actual necessary expenses in traveling outside of the county seat. He shall hold inquests as prescribed by chapter II, title XII, part II, of the Penal Code, except that he may in his discretion dispense with a jury. The coroner or other officer holding an inquest upon the body of a deceased person may subpoena a physician or surgeon to inspect a body, or a chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post-

mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner, in counties of this class, shall be and is hereby allowed one deputy at a salary of one hundred dollars per month; said deputy shall have the power and it shall be his duty when directed by the coroner, to hold inquests, and all power conferred by law upon the coroner may be exercised by said deputy. The salary of the deputy herein provided for shall be paid by the county, in the same manner, at the same time, and out of the same funds as the salary of the coroner and public administrator is paid. All fees and commissions collected by him in his official capacity shall be paid into the county treasury.

10. The superintendent of schools, three thousand dollars per annum, which shall include his services as a member of the board of education, and his actual traveling expenses when visiting schools. In counties of this class, the superintendent of schools may appoint two deputy superintendents of schools, which offices of deputy superintendents of school are hereby created, at a salary of twelve hundred dollars each per annum; the said deputy superintendents of schools to hold office at the pleasure of the superintendent of schools. The salaries and compensation of the said deputy superintendents of schools, and who shall be deputy superintendents of schools as herein provided for, shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

Superintendent of schools.

11. The surveyor shall receive one thousand eight hundred dollars per annum, and actual and necessary traveling and official expenses in the county.

Surveyor.

12. Each supervisor, six dollars per day while in the service of the county, and actual and necessary traveling expenses incurred in performing the duties of his office.

Supervisors.

13. In counties of this class the township officers shall receive the following compensation, to wit: In townships having a population of ten thousand or more, justices of the peace shall receive a monthly salary of two hundred dollars per month, and constables a monthly salary of one hundred and twenty-five dollars;

Justices of the peace and constables.

In townships having a population of six thousand, or more, and less than ten thousand, justices of the peace shall receive a monthly salary of one hundred and twenty-five dollars per month, and constables a monthly salary of one hundred dollars per month;

In townships having a population of twenty-one hundred and eighty-five, or more, and less than six thousand, justices of the peace shall receive a monthly salary of one hundred dollars per month, and constables a monthly salary of one hundred dollars per month;

In townships having a population of seventeen hundred and seventy, or more, and less than twenty-one hundred and ninety, justices of the peace shall receive a monthly salary of sixty-five

Justices of
the peace
and con-
stables.

dollars per month, and constables a monthly salary of seventy-five dollars per month;

In townships having a population of sixteen hundred, or more, and less than seventeen hundred and seventy, justices of the peace shall receive a monthly salary of twenty dollars per month, and constables a monthly salary of twenty-five dollars per month;

In townships having a population of fourteen hundred and twenty, or more, and less than sixteen hundred, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month;

In townships having a population of thirteen hundred and fifteen, or more, and less than fourteen hundred and forty, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month;

In townships having a population of twelve hundred and ninety, or more, and less than thirteen hundred and fifteen, justices of the peace shall receive a monthly salary of ninety dollars per month, and constables a monthly salary of ninety dollars per month;

In townships having a population of twelve hundred and eighty, or more, and less than thirteen hundred, justices of the peace shall receive a monthly salary of one hundred dollars per month and constables a monthly salary of one hundred dollars per month;

In townships having a population of ten hundred and forty-five, or more, and less than twelve hundred and eighty, justices of the peace shall receive a monthly salary of sixty-five dollars per month, and constables a monthly salary of seventy-five dollars per month;

In townships having a population of nine hundred and ten, or more, and less than ten hundred and forty-five, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of fifty dollars per month;

In townships having a population of six hundred and seventy-five, or more, and less than nine hundred and twenty-five, justices of the peace shall receive a monthly salary of twenty dollars per month, and constables a monthly salary of twenty-five dollars per month;

In townships having a population of five hundred and forty-five, or more, and less than six hundred and seventy-five, justices of the peace shall receive a monthly salary of thirty dollars per month, and constables a monthly salary of thirty dollars per month;

In townships having a population of two hundred, or more, and less than five hundred and forty-five, justices of the peace shall receive a monthly salary of twenty dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of one hundred and fifty-five, or more, and less than two hundred, justices of the peace

shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month.

The above salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that each constable shall be allowed and paid out of the county treasury for transporting prisoners to the county jail, the actual expenses of such transportation; *and provided, further*, that the board of supervisors shall allow to each constable his necessary expenses for traveling, when in pursuit of criminals, or transacting any criminal business; said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases; *and provided, further*, that for the purpose of this section, the population of the several townships shall be ascertained by multiplying the number of registered voters at the presidential election held in the year 1908 A. D., by five. The salaries of township officers as herein provided for shall be paid in the same manner and at the same time and out of the same fund that county officers are paid.

14. The fees of grand jurors and of trial jurors in the superior court, in criminal cases, shall be three dollars, in ^{Fees, jurors.} lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of twenty-five cents per mile for each mile necessarily traveled in attending said court in going only.

SEC. 2. The legislature hereby declares that subdivisions 3, 5, 6, 7, 8, and 13, do not increase the incumbents' compensation and shall apply to said incumbents when the law takes effect.

CHAPTER 690.

An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of president and vice president of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the direct primary law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Words and phrases where used in this act shall, unless such construction be inconsistent with the context, be construed as follows: ^{Definitions.}

1. The words "primary election," any and every primary nominating election provided for by this act.

Definitions. 2. The words "August primary election," the primary election held in August to nominate candidates to be voted for at the ensuing November election or to elect members of a party central committee or delegates to a party convention.

3. The words "May presidential primary election," any such primary election, held in May of each year of the general November election at which electors of president and vice president of the United States are to be chosen, as shall provide for the indication of preference in the several political parties for party candidates for president of the United States through the election of delegates to national party conventions.

4. The word "election," a general state, county, city or city and county election as distinguished from a primary election.

5. The words "November election," either the presidential election, or the general state, county, or city and county election held in November of each even numbered year.

6. The words "judicial officer," any justice of the supreme court, justice of a district court of appeal, judge of the superior court, justice of the peace, or justice of such inferior court as the legislature may establish in any county, township, incorporated city or town, or city and county; and the words "judicial office," the office filled by any of the above judicial officers.

7. The words "school officer," the superintendent of public instruction and the superintendent of schools of a county or city and county; and the words "school office," the office filled by any of the above school officers.

8. The words "county officer," any officer elected within the boundaries of any county or city and county, except a member of the state senate or assembly or a member of the house of representatives of the congress of the United States or a member of any party county central committee or delegate to a state convention from a hold-over senatorial district; and the words "county office," the office filled by any county officer. The words "township officer," any such county officer as is elected within the boundaries of any judicial township that is now or may be hereafter provided by law; and the words "township office," the office filled by any township officer.

9. The word or words "political party," "party," "political organization," or "organization," a political party or organization of electors which has qualified, as hereinafter provided, for participation in any primary election; and such party or organization shall be deemed to have so qualified when any one or more of the three following conditions have been complied with:

Qualifica-
tion as
political
party.

a. If at the last preceding November election there was polled for any one of its candidates who was the candidate of such party only for any office voted on throughout the state, at least three per cent of the entire vote of the state, or for any one of its candidates who was the joint candidate of such party and any other party for any office voted on throughout the state, at least six per cent of the entire vote of the state; or

b. If on or before a date which shall be the fiftieth day before any primary election, there shall have registered within the state, as intending to affiliate with such party or organization as shall have been designated in their affidavits of registration, qualified electors equal in number to at least three per cent of the total number of electors registered throughout the state for the last preceding November election; the number of such registered qualified electors to be determined by the secretary of state from the statements transmitted to him as required by subdivision 1 of section 4 of this act; or

c. If on or before a date which shall be the fiftieth day before any primary election, there shall be filed with the secretary of state a petition signed by registered qualified electors of the state, whether registered as intending to affiliate with any political party or not, equal in number to at least three per cent of the entire vote of the state at the last preceding November election, declaring that they represent a political party or organization the name of which shall be stated therein, which party said electors desire to have participate in such primary election; such petition to be circulated, signed, and the signatures thereon of the registered electors certified to and transmitted to the secretary of state by the county clerks substantially as provided in section 5 of this act, for the circulation, signing, certification, and transmission of nomination papers for state officers; *providing, however*, that no electors or organization of electors shall assume a party name or designation which shall be so similar to the name of an existing party or organization as to mislead voters.

This statute shall be liberally construed, so that the real will of the electors shall not be defeated by any informality or failure to comply with all the provisions of law in respect to either the giving of any notice or the conducting of the primary election or certifying the results thereof.

Construction of act.

In each county and city and county in this state, having a registrar of voters or registrar of voters and a board of election commissioners, the powers conferred and the duties imposed in this statute upon a county clerk and his deputies, and other officers, in relation to matters of election and polling places, shall be exercised and performed by such registrar of voters or his deputies, or registrar of voters or his deputies and board of election commissioners; and all nominating papers, list of candidates, expenses, and oaths of office, required by this statute to be made to county clerks, shall be filed with the registrar of voters.

In counties having registrar.

SEC. 2. All candidates nominated at a primary election for elective public offices shall be nominated by direct vote at such election held in accordance with the provisions of this act; *provided*, that electors of president and vice president of the United States shall be nominated as provided in subdivision 2 of section 24 of this act. Party candidates for the office of United States senator shall have their names placed on the official primary election ballots of their respective parties and

Nomination of candidates

shall be in all respects nominated in the manner herein provided for state officers. This act shall not apply to special elections to fill vacancies; nor to the nomination of officers of municipalities, counties, or cities and counties whose charters provide a system for nominating candidates for such officers; nor the nomination of officers for any district not formed for municipal purposes; nor to the nomination of freeholders to be elected for the purpose of framing a charter; nor to the nomination of officers for cities of the sixth class; nor to the nomination of school district officers.

August
primary.

Legal
holidays.

SEC. 3. The August primary election shall be held at the legally designated polling places in each precinct on the last Tuesday in August, for the nomination of all candidates to be voted for at the ensuing November election. The day of the August primary election and the day of the May presidential primary election are hereby declared to be holidays within the meaning of section 10 of the Political Code. Any person entitled to vote at such August or May primary elections shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours, between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made, on account of such absence, from his usual salary or wages. Any primary election other than the August primary election, or May presidential primary election shall be held on Tuesday, three weeks next preceding the election for which such primary election is held.

Statement
of electors
registered.

Notice
of offices.

SEC. 4. 1. On the first Monday in February, on the Monday which is the fiftieth day before the first Tuesday in May, on the first Monday in June, and on the Monday which is the fiftieth day before the last Tuesday in August, in each even numbered year, the county clerk or registrar of voters of each county or city and county shall transmit a statement to the secretary of state of the total number of electors registered in his county since the first day of January next preceding, together with the number so registered under each of the several political affiliations, and also the number declining or failing to declare such affiliation. At least forty days before the time of holding the August primary election in 1914 and biennially thereafter, the secretary of state shall prepare and transmit to each county clerk and to the registrar of voters in any city and county a notice in writing designating the offices for which candidates are to be nominated at such primary election, together with the names of the political parties qualified to participate in such election.

Publica-
tion of
notice.

2. Within ten days after receipt of such notice such county clerk or registrar of voters in any city and county shall publish once in each week for two successive weeks in not more than two newspapers published in such county or city and county so much thereof as may be applicable to his county,

including a statement of the number of members of the county central committee to be elected by each political party in each supervisorial or assembly district, as the case may be, according to the provisions of subdivision 4 of section 24 of this act.

3. In the case of August primary elections for the nomination of candidates for city or city and county officers to be voted for at the November election in the odd numbered years, the city clerk or secretary of the legislative body in any such city or the registrar of voters in any such city and county shall cause the publication of notice of such primary election, together with a complete statement of the offices for which candidates are to be nominated, once in each week for two successive weeks in not more than two newspapers of general circulation published in such city or city and county, the last publication to be made not more than forty and not less than fourteen days before such primary election.

Publication of notice of August primary.

4. In the case of primary elections other than the August primary elections the city clerk or secretary of the legislative body of the political subdivision for which such primary election shall be held shall cause one publication of such notice to be given, such publication to be not more than forty and not less than fourteen days before such primary election.

Publication of notice of other primaries.

SEC. 5. 1. The name of no candidate shall be printed on an official ballot to be used at any primary election unless at least forty days prior to the primary election, if the candidate is to be voted for at the August primary election or the May presidential primary election, and at least twenty days prior to the primary election, if the candidate is to be voted for at a primary election other than the August or May primary election, a nomination paper shall have been filed in his behalf as hereinafter provided by this act.

Method of getting name on ballot.

2. a. The candidate may appoint verification deputies to serve within the county or city and county in which such deputies reside in securing signatures to his nomination paper for nomination to the office for which he is a candidate, and the verification deputies thus appointed shall be recognized as the duly authorized verification deputies to secure signatures to the nomination paper of such candidate in such county or city and county. The document in which such verification deputies are appointed as herein provided shall be filed with the county clerk of the county or city and county in which such verification deputies reside, at or before the time the nomination paper of the candidate is left with the county clerk for filing or for examination as provided in subdivision 4 of this section. Said document shall be in substantially the following form:

Verification deputies.

I, the undersigned, a candidate for the ---- party nomination for the office of ----, which nomination is to be made by direct vote at a primary election to be held on the ---- day of August, 19--., do hereby appoint the following registered qualified electors of the county of ----, as verification deputies to obtain signatures in said county to a nomination paper

Form of document.

placing me in nomination as a candidate of said ---- party for said office of ----.

VERIFICATION DEPUTIES.

Names.	Residence.
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----

etc.

etc.

(Signature)-----

(Residence)-----

Filed in the office of the county clerk of ---- county this ---- day of ----, 19--.

-----, County Clerk.
By -----, Deputy.

Additional deputies.

In case it is desired to appoint additional verification deputies to secure signatures to the nomination paper of such candidate, one or more similar documents may be filed to supplement the first document. When the office for which the candidate is proposed is a judicial office, school office, county office, or township office, the words "---- party", and the words "of said ---- party," shall be omitted from said document. Or, as an alternative to the foregoing portion of this section and subdivision, verification deputies may be appointed in behalf of a candidate as follows:

Five electors may propose candidate.

b. Any five qualified electors of any county or city and county who are registered as intending to affiliate with the same political party may join in proposing a candidate of such party for nomination to any office to be voted on in such county or city and county at the next ensuing primary election, and in appointing verification deputies to serve within such county or city and county in securing signatures to the nomination paper of such candidate for such office. If the office is an office the candidate for which is to be voted on in more than one county, he may be proposed for nomination as herein provided by five of the registered qualified electors in each of the counties in which such electors may desire to circulate a nomination paper in his behalf. The signatures of the said five qualified electors shall be verified free of charge before any officer authorized to administer an oath, and the document containing such signatures shall be filed with the county clerk of the county or city and county in which said five qualified electors reside, at or before the time the nomination paper of the candidate is left with the county clerk or registrar of voters for filing or for examination as provided in subdivision 4 of this section. In said document the five signers shall make affidavit that the candidate therein named for the office therein specified has given his consent to be thus proposed for nomination to such office, and shall also state that the verification deputies therein appointed are duly registered qualified electors

Consent of candidate.

except that the five qualified electors shall make no statement of their party affiliation and may be affiliated with different parties or with no party; and the candidate proposed for nomination shall not be so proposed as the candidate of any party.

Obtaining
signatures
to nomi-
nation
papers.

3. Verification deputies appointed as provided in subdivision 2 of this section to obtain signatures to the nomination paper of any candidate for any office to be voted for at any primary election, may, at any time not more than seventy days nor less than forty days prior to such election, obtain signatures to such nomination paper of such candidate for such office. Each signer of a nomination paper shall sign but one such paper for the same office; *provided*, that prior to primary elections other than August primary elections or May presidential primary elections, signatures may be obtained not more than forty nor less than twenty days prior to such election. He shall also declare his intention to support such candidate for nomination, and shall add his place of residence, giving his street and number if any. His election precinct shall also appear on the paper just preceding his name, and the date of his signature shall appear at the end of the line just after his residence. Any nomination paper may be presented in sections, but each section shall contain the name of the candidate and the name of the office for which he is proposed for nomination. Each section shall bear the name of the city or town, if any, and also the name of the county or city and county, in which it is circulated, and only qualified electors of such county or city and county, registered as intending to affiliate with the political party in which the nomination is being made, shall be competent to sign such section. Any section circulated within any incorporated city or town shall be signed only by registered qualified electors of such city or town. Each section shall be prepared with the lines for signatures numbered, and shall have attached thereto the affidavit of the verification deputy who has obtained signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief, each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. The affidavit of any verification deputy obtaining signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such nomination paper so verified shall be prima facie evidence that the signatures thereto appended are genuine and that the persons signing the same are registered qualified electors, unless and until it is otherwise proven by comparison of such signatures with the affidavits of registration in the office of the county clerk or registrar of voters. Each section of the nomination paper, after being verified, shall be returned by the verification deputy who circulated it to one of the five electors by whom the said verification deputy was appointed; and in this manner all the sections circulated

Presenta-
tion in
sections.

Affidavit
of
deputies.

Sections
returned
to five
electors.

in any county shall be collected by said five electors of that county and shall be by them arranged for filing or for examination, as provided in subdivision 4 of this section. In case said verification deputy was appointed directly by the candidate according to the provisions of subdivision 2(a) of this section, the collecting and arranging of the sections of the nomination paper shall be done by the candidate instead of by the "five electors" as hereinbefore provided. Each section of the nomination paper shall be in substance as follows:

Form of each section.

County of ---- city (or town) of ---- (if any).

Nomination paper of ----, candidate for ---- party nomination for the office of -----

STATE OF CALIFORNIA, }
 COUNTY OF ---- } ss.

SIGNER'S STATEMENT.

I, undersigned, am a qualified elector of the city (or town) of ----, county of ----, State of California; and am registered as intending to affiliate with the ---- party; and I hereby nominate -----, who resides at No. ---- street, city of ----, county of ----, State of California, as a candidate for the nomination of such party for the office of -----, to be voted for at the primary election to be held on the ---- day of August, 19--. I have not signed the nomination paper of any other candidate for the same office, and I further declare that I intend to support for such nomination the candidate named herein.

No.	Precinct.	Signature.	Residence.	Date.
1	-----	-----	-----	-----
2	-----	-----	-----	-----
3	-----	-----	-----	-----
4	-----	-----	-----	-----
5	-----	-----	-----	-----
Etc.	-----	-----	-----	-----

VERIFICATION DEPUTY'S AFFIDAVIT.

Deputy's affidavit.

I, ----, solemnly swear (or affirm) that I have been appointed according to the provisions of subdivision 2, section 5, of the direct primary law, as a verification deputy to secure signatures in the county of ---- to the nomination paper of ---- as candidate for the nomination of the ---- party for the office of ----; that all the signatures on this section of said nomination paper, numbered from 1 to ---- inclusive, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed) -----

Verification Deputy.

Subscribed and sworn to before me this -- day of ---, 19--.

(SEAL)

 Notary Public (or other official).

In case of
judicial
office, etc.

In the case of a nomination paper for any candidate for a judicial office, school office, county office, or township office, the provisions of this subdivision shall apply, except that no such nomination paper nor any section thereof shall contain the name of any political party, of any signer thereto, nor shall the candidate be referred to as a candidate for the nomination of any party; and any nomination paper for any candidate for a judicial office, school office, county office, or township office may be signed by any registered qualified elector of the county or city and county, whether registered as being affiliated with any, or with no, political party.

Arrange-
ment
prior to
filing.

4. Prior to the filing of a nomination paper for any candidate, the sections thereof must be numbered in order and fastened together by cities or towns or portions of the county not included in such cities or towns, substantially in the manner required for the binding of affidavits of registration by the provisions of section 1113 of the Political Code; *provided*, that the sections of the nomination paper shall be preceded by an index of precincts, arranged by cities, towns or outside territory in the numerical or alphabetical order of such precincts for each such city, town or outside territory and showing after the name or number of such precinct the numbers of the section pages on which the names of the electors registered in such precinct are to be found, and after the number of each page, the number (in parentheses) of times such names are to be so found on such section page. Such index shall be substantially the following form:

CITY OF -----

No. of precinct.	Numbers of section pages containing voters of precinct.			
1-----	1 (3 times)	2 (5 times)	3 (7 times)	etc.
2-----	1 (4 times)	2 (0 times)	3 (6 times)	etc.
etc.-----	etc.			

TOWN OF -----

etc. etc.

Papers
for can-
didates
voted for
in more
than one
county.

And provided, further, that for all nominations of candidates to be voted for in more than one county, or throughout the entire state, the nomination papers, properly assembled, may be consolidated and fastened or bound together by counties; but in no case shall nomination papers signed by electors of different counties be fastened or bound up together. The county clerk of any county or registrar of voters of any city and county shall examine all nomination papers herein provided for which purport to have been signed by electors of his county or city and county, and shall disregard and mark "not sufficient" any name appearing on such paper or papers which does not appear in the same handwriting on an affidavit of registration in his office, or which (except in the case

Examina-
tion by
clerk.

of nomination papers of candidates for judicial, school, county, or township offices the signers of which may be registered as of any or no party) does not appear on said affidavit as intending to affiliate with the party named in such nomination papers. Such officer shall affix to all nomination papers a certificate reciting that he has examined the same and stating the number of names signed thereto which have not been marked "not sufficient" as hereinabove provided. All nomination papers which by this act are required to be filed in the office of the secretary of state, shall be left with the county clerk or registrar of voters for examination, as above provided, at least forty days prior to the August primary election or the May presidential primary election, and shall, with such certificate of examination attached, within five days after being so left, be forwarded by such county clerk or registrar of voters to the secretary of state, who shall receive and file the same. The verification of signatures to nomination papers shall not be made by the candidate, nor by any county clerk, or registrar of voters, nor by any of the deputies in the office of such county clerk or registrar of voters, nor within one hundred feet of any election booth, polling place, or any place where registration of electors is being conducted. Each candidate on or before the thirty-fifth day prior to the August primary election or the May presidential primary election, shall file in the place where his nomination paper is required to be filed, as provided in section 6 of this act, his affidavit, stating his residence, with street and number, if any; his election precinct; that he is a qualified elector in the election precinct in which he resides; the name of the office for which he desires to be a candidate; and that if nominated he will accept such nomination and not withdraw, and that he will qualify as such officer if nominated and elected; and he shall also make the statement required in subdivision 5 of section 6 of this act. Nothing in this act contained shall be construed to limit the rights of any person to become the candidate of more than one political party for the same office upon complying with the requirements of this act, but no person shall be entitled to become a candidate for more than one office at the same election.

Time for filing.

Persons who may not verify signatures.

Statement of candidate.

5. Except in the case of a candidate for nomination to a judicial office, school office, county office, or township office, nomination papers shall be signed as follows: If the candidate is the candidate for an office to be voted on throughout the state, by not less than one half of one per centum and not more than two per centum of the vote or registration constituting the basis of percentage as defined in subdivision 6 of this section of the party of the candidate seeking nomination, within the state; if the candidate is the candidate for an office to be voted on in some political subdivision of the state, but not throughout the state, by not less than one per centum nor more than two per centum of the vote or registration constituting the basis of percentage, as defined in subdivision

Number of signatures required.

6 of this section, of the party of the candidate seeking nomination within said political subdivision in which such candidate seeks nomination.

Basis
of per-
centage.

6. Except in case of a candidate for nomination to a judicial office, school office, county office, or township office, the basis of percentage in each case shall be the highest vote polled by the party for any such candidate as may have been the candidate of such party only, at the preceding general election, or, if there was no candidate who was the candidate of such party only, the basis of percentage shall be the lowest vote received by any candidate who was the joint candidate of such party and of one or more other parties; and if the candidate is the candidate of a party which had no candidate at the preceding general election, then the basis of percentage shall be upon the number of qualified electors who, on or before the fiftieth day prior to the primary election, shall in registering have declared their intention to affiliate with such party. Every political party qualified to participate in the primary election by the provisions of subdivision 8 of section 1 of this act, whose membership or members shall comply with the provisions of this act by filing nomination papers for one or more candidates, shall be entitled to a separate party ticket at the primary election; but all such party tickets must be alike in the designation of candidates for judicial, school, county, and township offices.

Separate
party
ticket.

In case of
change of
political
subdivi-
sions.

7. Whenever by rearrangement of political subdivisions of the state by any legislature, board of supervisors or other legislative body, the boundaries of such political subdivisions are changed, the highest vote polled by each party in each of the new political subdivisions shall be determined as follows: If the change occurs wholly within any county or city and county, the county clerk or registrar of voters of such county or city and county shall determine as nearly as possible the highest vote of each party in the new political subdivision by adding together for each party the highest vote in each of the former precincts which now are combined to make up such new political subdivision. If the change occurs outside the limits of any county or city and county, the secretary of state shall determine the highest vote of each party in such new political subdivision by adding together for each party the highest vote in the counties which now are combined to make up such new political subdivision. In the same way that the highest vote for each party in each new political subdivision is ascertained, shall also be ascertained the total vote of all parties, as is required to be known by the provisions of subdivision 9 of this section.

Inde-
pendent
candidates.

8. Nothing herein shall be construed as prohibiting the independent nomination of candidates as provided by section 1188 of the Political Code, as said section was enacted at the fortieth session of the legislature of the State of California; except that a candidate who has filed nomination papers as one of the candidates for nomination to any office

on the ballots of any political party at a primary election held under the provisions of this act, and who is defeated for such party nomination at such primary election, shall be ineligible for nomination to the same office at the ensuing general election, either as an independent candidate or as the candidate of any other party, and no person shall be permitted to file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election. Nor shall any person whose name has been written in upon any ballot or ballots for any office at any primary election, have his name placed upon the ballot as a candidate for such office at the ensuing general election, except under the provisions of section 1188 of the Political Code, unless at such primary election he shall have received for such office votes equal in number to the minimum number of nomination papers which would have been required to be filed to have placed his name on the primary ballot as a candidate for nomination to such office.

9. In the case of a candidate for nomination to a judicial office, school office, county office, or township office, nomination papers shall be signed by not less than one half of one per centum, nor more than two per centum of the total vote cast by all political parties at the last election in the state or political subdivision thereof in which such candidate for judicial or school, county, or township office seeks nomination.

Percentage in case of judicial officers, etc.

10. The officer with whom nomination papers are filed shall keep a record in which he shall enter the names of all persons filing the same, the name of the office, the party, if any, and the time of filing.

SEC. 6. All nomination papers provided for by this act shall be filed as follows:

Office in which papers must be filed.

1. For state officers, United States senators, representatives in congress, members of the state senate and assembly, delegates to state conventions from "hold-over senatorial districts" and all officers voted for in districts comprising more than one county, in the office of the secretary of state.

2. For officers to be voted for wholly within one county or city and county, except representatives in congress, delegates to state conventions from "hold-over senatorial districts" and members of the state senate and assembly, in the office of the county clerk of such county or in the office of the registrar of voters in such city and county.

3. For city officers, in the office of the city clerk or secretary of the legislative body of such city or municipality.

4. When a nomination paper or sections thereof shall have been received which contain a number of signatures equal to two per centum of the vote constituting the basis of percentage as provided in subdivisions 5, 6 and 9 of section 5 of this act, the officer with whom such papers are required to be filed shall not receive or file further sections of the nomination paper for the candidate named therein.

5. No more signatures shall be secured for any candidate than a number equal to three per centum of the vote constituting the basis of percentage as provided in subdivisions 5, 6, and 9 of section 5 of this act; *provided*, that if, through miscalculation or otherwise, more signatures are secured than the said three per centum, all sections of the nomination paper containing signatures in excess of said three per centum must be sent to the candidate; and before any nomination paper is filed as provided in this section, the candidate must notify each signer of such excess sections that his name has not been used; and in the affidavit required to be filed in subdivision 4 of section 5 of this act, affiant must state whether he has complied with the provisions contained in subdivision 5 of section 6 of this act.

Filing
fees.

SEC. 7. 1. A filing fee of fifty dollars shall be paid to the secretary of state by each candidate for state office or for the United States senate.

2. A filing fee of twenty-five dollars shall be paid to the secretary of state by each candidate for representative in congress or for any office, except member of senate and assembly, to be voted for in any district comprising more than one county.

3. A filing fee of ten dollars shall be paid to the secretary of state by each candidate for the state senate or assembly.

4. A filing fee of ten dollars shall be paid to the county clerk or registrar of voters in any city and county when the nomination paper or papers and affidavit of any candidate to be voted for wholly within one county or city and county are filed with such county clerk or registrar of voters.

5. A filing fee of ten dollars shall be paid to the city clerk or secretary of the legislative body of any municipality when the nomination paper or papers and affidavit of any candidate for a city office are filed with such clerk or secretary of such legislative body.

6. No filing fee shall be required from any person to be voted for at the May presidential primary election, or from any candidate for an office to the holder of which no compensation is required to be paid, or for township offices the compensation to the holder of which does not exceed the sum of nine hundred dollars per annum.

7. In no case shall the secretary of state, county clerk, registrar of voters, or city clerk, receive any nomination papers for filing until the requisite fee for such filing, as prescribed in this section, has first been paid to him.

8. When a person is nominated for an office by reason of his name having been written on a ballot that has been voted at any primary election provided for by this act, he must pay the same filing fee provided for the same office to the same officer as would have been required if nomination papers had been filed to place his name on the primary ballot; otherwise his name must not be printed on the ballot at the ensuing general election; *provided*, he is not the nominee of another party for the same office.

SEC. 8. The county clerk shall immediately pay to the county treasurer and the registrar of voters in any city and county shall immediately pay to the city and county treasurer all fees received from candidates. The city clerk or secretary of the legislative body of any municipality shall immediately pay to the city treasurer all fees received from candidates. Within ten days after the primary election the secretary of state shall pay to the state treasurer all fees received from candidates and shall apportion the fees paid to him by each candidate equally among the counties within which such candidate is to be voted for, and certify such apportionment to the state controller, who shall issue warrants on the state treasurer for the amount due each county and the state treasurer shall pay the same.

Clerk to pay fees to treasurer.

SEC. 9. The expense of providing all ballots, blanks and other supplies to be used at any primary election provided for by this act and all expenses necessarily incurred in the preparation for or the conduct of such primary election shall be paid out of the treasury of the city, city and county, county or state, as the case may be, in the same manner, with like effect and by the same officers as in the case of general elections.

Expense of primary.

SEC. 10. At least thirty days before any August primary election preceding a November election or before any May presidential primary election the secretary of state shall transmit to each county clerk or registrar of voters in any city and county a certified list containing the name and post-office address of each person for whom nomination papers have been filed in the office of such secretary of state, including the candidate for delegate to a state convention, if any, from a "hold-over senatorial district" and who is entitled to be voted for in such county at such primary election, together with a designation of the office for which such person is a candidate and except in the case of a judicial office, or a school office of the party or principle he represents. Such county clerk or registrar of voters shall forthwith, upon receipt thereof, publish under the proper party designation the title of each office (except a judicial office or a school office) which appears upon the certified list transmitted by the secretary of state as hereinbefore provided, together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices in the office of the secretary of state, and also the names of all candidates for the county central committee, filed in the office of the county clerk or registrar of voters. He shall also publish the title of each judicial office, school office, county office, and township office, together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices, either in the office of the secretary of state or in the office of the county clerk or registrar of voters, and shall state that candidates for said judicial, school, county, and township offices may be voted for at the primary election, by any registered, qualified elector of the county, whether registered as

Secretary of state to transmit list of nominees.

Publication by clerk.

intending to affiliate with any political party or not. He shall also publish the date of the primary election, the hours during which the polls will be open, and that the primary election will be held at the legally designated polling places in each precinct, which shall be particularly designated. It shall be the duty of the county clerk or registrar of voters in any city and county to cause such publication to be made once each week for two successive weeks prior to said primary election.

News-papers in which publication shall be made.

SEC. 11. Every publication required by this act shall be made in not more than two newspapers of general circulation published in such county or city and county, and one of such newspapers shall represent the political party that cast at the last preceding general election the highest number of votes in such county or city and county, and one of such newspapers, if any, shall represent the party which cast the next highest number of votes at such election. In any case where the publication of the notices provided for by this act can not be made as hereinbefore provided it shall be made in any newspaper having a general circulation in the city or county in which the notice is required to be published.

Ballots.

SEC. 12. 1. All voting at primary elections within the meaning of this act shall be by ballot. A separate official ballot for each political party shall be printed and provided for use at each voting precinct; but all such party ballots must be alike in the designation of candidates for judicial, school, county, and township offices. The ballots must have a different tint or color for each of the political parties participating in the primary election. There shall also be printed and provided a non-partisan ballot of a different tint and color from all the others (or white, if all the others are colored), which shall contain only, but in like manner, all the candidates for judicial, school, county, and township offices to be voted for at the primary election; and one of the non-partisan ballots shall, at the primary election, be furnished to each registered qualified elector who is not registered as intending to affiliate with any one of the political parties participating in said primary election; but to any elector registered as intending to affiliate with any political party participating in the primary there shall be furnished, not a non-partisan ballot, but a ballot of the political party with which said elector is registered as intending to affiliate.

Non-partisan ballot.

Clerk to provide ballot.

It shall be the duty of the county clerk of each county or of the registrar of voters in any city and county to provide such printed official ballots to be used at any August primary election for the nomination of candidates to be voted for in such county or city and county at the ensuing November election and at any May presidential primary election. It shall be the duty of the city clerk or secretary of the legislative body of any municipality to provide such printed official ballots for any primary election other than the August primary election or the May presidential primary election. Such official ballots to be used at any primary election shall be

Ballot paper.

printed on official paper, furnished by the secretary of state, in the manner provided by section 1196 of the Political Code, and in the form hereinafter provided. The names of all candidates for the respective offices for whom the prescribed nomination papers have been duly filed shall be printed thereon.

2. Official primary election ballots used at any primary election for the nomination of candidates to be voted for at any presidential or general state election, except as provided in subdivision 5 of this section, shall be as long as the herein prescribed captions, headings, party designations, directions to voters and lists of names of candidates, properly subdivided according to the several offices to be nominated for, may require; and no official primary election ballot shall be less than six and one half inches wide.

3. Across the top of the ballot shall be printed in heavy-faced gothic capital type, not smaller than forty-eight point, the words: "Official Primary Election Ballot;" *providing*, that on a non-partisan ballot said words may be printed in gothic capital type not smaller than twenty-four point. Beneath this heading shall be printed in heavy-faced gothic capital type, not smaller than twenty-four point, the party designation if it be a party ballot; or, in the case of a ballot containing the names of no candidates except candidates for a judicial, school, county, or township office, the words "Non-Partisan Ballot." The instructions to voters shall be printed in ten-point gothic type. In the case of official primary election ballots to be used at any primary election held for the nomination of candidates other than those to be voted for at a presidential or a general state election, and on which, in accordance with the provisions of this act, the names of candidates may be printed in a single column or in two parallel columns, as the case may be, the words "Official Primary Election Ballot" shall be printed thereon in heavy-faced gothic capital type, not smaller than twenty-four point. The party or non-partisan designation shall be printed in heavy-faced gothic capital type, not smaller than eighteen-point. The instructions to voters shall be printed in ten-point gothic type.

4. At least three eighths of an inch below the assembly district designation and the date of the primary election shall be printed in ten-point gothic type, double leaded, the following instructions to voters: "To vote for a person whose name occurs on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose."

5. The instructions to voters shall be separated from the lists of candidates and the designations of the several offices to be nominated for by one light and one heavy line or rule. The names of the candidates and the respective offices shall, except as may be hereinafter otherwise provided, be printed on the ballot in four or more parallel columns, each two and one half inches wide. The number of such parallel columns shall be

Order
of prece-
dence.

exactly divisible by two, and such parallel columns shall be equally divided on the ballot for party and non-partisan tickets by a solid black line, extending down from the printed lines separating the instructions to voters from the lists of names of candidates to the bottom margin of the ballot. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general state election, the order of precedence shall be as follows, that is to say: In the column to the left, under the heading STATE shall be printed the groups of names of candidates for state offices, except judicial and school offices, and for members of the state board of equalization. In the second column, under the heading CONGRESSIONAL shall be printed the groups of names for United States senator in congress, if any, and for representative in congress. Next, under the heading LEGISLATIVE shall be printed the groups of names for state senator, if any, for member of assembly, and for election as delegate to the state convention from a "hold-over senatorial district," if any. Finally under the heading COUNTY COMMITTEE shall be printed the names of the candidates for election to membership in the county central committee of the party. In the case of primary elections where state officers are not to be nominated, at the left of the solid black dividing line there may be only one column. In the parallel columns to the right of the solid black dividing line shall be printed the groups of names of candidates for nomination to judicial, school, county, and township offices in the following order: Under the heading JUDICIAL shall be printed all the names of candidates for judicial offices, in the order of chief justice supreme court, associate justices supreme court, judge of district court of appeals, judge of superior court and justice of the peace. Next, under the heading SCHOOL shall be printed all the names of candidates for school offices in the order of state superintendent of instruction, superintendent of schools, and school district officers, if any. Next, under the heading COUNTY AND TOWNSHIP shall be printed the groups of candidates for all county and township offices except judicial or school offices. In the case of primary elections where county officers are not to be nominated, at the right of the solid black dividing line there may be only one column. The non-partisan ballot provided for in subdivision one of this section shall be identical as to offices and names of candidates with that portion of the party ballot which is printed to the right of the solid black dividing line hereinabove described. The tally sheets furnished to election officers shall have the names of offices and candidates arranged in the order in which said names of offices and candidates are printed on the ballots according to the provisions of this section and subdivision. In the case of primary elections for the nomination of candidates for city, city and county or municipal offices only, the groups of names of candidates may be printed in two parallel columns and the order of precedence shall be determined by the legislative body

Tally
sheets.

of such city or municipality or by the board of election commissioners of any such city and county.

6. The group of names of candidates for nomination to any judicial office, school office, county office, or township office shall include all the names receiving the requisite number of signatures on a nomination paper for such office, and shall be identical for each such office on the primary election ballots of each political party participating at the primary election; but the groups of names of candidates for all other offices on the ballots of each political party shall comprise only the names of the candidates for nomination by such party.

Candi-
dates for
judicial
offices,
etc

7. The order in which the list of candidates for any office shall appear upon the primary election ballot shall be determined as follows:

Order of
lists of
candidates.

(a) If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged. If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for such succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged. In transmitting to each county clerk or registrar of voters the certified list of names as required in section 10 of this act, the secretary of state shall certify and transmit the list of candidates for nomination to each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, the order in which the names filed with the secretary of state shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

(b) If the office is an office to be voted on throughout, but wholly within one county or city and county, except the office of representative in congress or state senator or assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates

Order of
lists of
candidates.

for such office in alphabetical order for the first supervisory district; and thereafter for each supervisory district, the name appearing first for each such office in the last preceding supervisory district shall be placed last, the order of the other names remaining unchanged; *provided*, there are no more than five assembly districts in such county, or city and county. If there are more than five assembly districts in such county, or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

(c) If the office is that of state senator or assemblyman, or delegate to the state convention from a "hold-over senatorial district," or member of a county central committee, or any office except the office of representative in congress to be voted on wholly within any county or city and county but not throughout such county or city or county, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

Order
of publi-
cation of
names
and
addresses.

8. In publishing the names and addresses of all candidates for whom nomination papers have been filed, as required in section 10 of this act, the county clerk or registrar of voters shall publish the names in the order in which they will appear upon the ballot; *provided*, that in counties or cities and counties containing more than one assembly district the order of names of candidates shall be that of the assembly district in such county or city and county which is lowest in numerical order.

Designa-
tion of
office.

9. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and the words "Vote for One" or "Vote for Two" or more according to the number to be elected to such office at the ensuing election. Such designation of the office to be nominated for and of the number of candidates to be nominated shall be printed in heavy-faced gothic type, not smaller than ten-point. The word or words designating the office shall be printed flush with the left-hand margin and the words "Vote for One" or "Vote for Two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the direction for voting shall be separated from the names of the candidates by a light line.

OFFICIAL PRIMARY ELECTION BALLOT

NON-PARTISAN BALLOT

Forty-Eighth Assembly District, August 25, 1914

To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose.

JUDICIAL	County Clerk Vote for One
Chief Justice Sup. Court Vote for One	S. R. MALLORY
WALTER WILTER	JAMES B. McCREARY
JOSEPH JENNINGS	ASBURY C. LATTIMER
THOMAS MERTON	
	Auditor Vote for One
Associate Justice Sup. Ct. Vote for Two	JOHN W. DANIEL
WILLIAM BREWER	M. J. FOSTER
ERASTUS PECK	JOHN M. PATTERSON
SAMUEL SNOW	J. F. ALLEE
GEORGE TAWNEY	CLARENCE D. CLARK
	Treasurer Vote for One
Judge of the District Court of Appeal, First District Vote for One	FRED T. DU BOIS
ANTHONY BRENNAN	AUGUSTUS O. BACON
PETER DREW	JAMES H. BERRY
	Assessor Vote for One
Judge of the Superior Ct. Vote for Two	J. S. SPOONER
GEORGE BUNN	E. G. NEWLANDS
WALTER CAMPBELL	E. W. PETTUS
CHARLES R. DAVIS	
THOMAS McCALL	
ERNEST W. ROBERTS	
	Tax Collector Vote for One
Justice of the Peace Vote for Two	KNUTE NELSON
THOMAS SULLIVAN	REDFIELD PROCTOR
PETER HEPBURN	E. W. CARMACK
CLAUDE SWANSON	
	Recorder Vote for One
SCHOOL	C. M. DE PEW
Supt. of Pub. Instruction Vote for One	CHARLES W. FULTON
CHARLES N. STOVER	THOMAS H. CARTER
FRANK N. KENDALL	
ARTHUR ROBERTS	
	Public Administrator Vote for One
County Supt. of Schools Vote for One	H. M. TELLER
TIMOTHY HEALEY	J. W. BAILEY
J. W. REYNOLDS	
CHARLES CARSON	
	Coroner Vote for One
COUNTY AND TOWNSHIP	JAMES B. FRAZIER
Sheriff Vote for One	H. C. LODGE
J. P. DOLLIVER	W. P. DILLINGHAM
CHESTER I. LONG	
R. A. ALGER	
	Surveyor Vote for One
District Attorney Vote for One	JOHN F. DRYDEN
A. B. KITTREDGE	J. B. FORAKER
JOHN T. MORGAN	
E. J. BURKETT	
	Supervisor Vote for One
	G. B. PATTERSON
	THOMAS SPIGHT
	JAMES E. WATSON
	Constable Vote for One
	R. W. PARKER
	JOHN A. STERLING

OFFICIAL PRIMARY ELECTION BALLOT

REPUBLICAN PARTY

Forty-Eighth Assembly District, August 25, 1914

To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose.

STATE	CONGRESSIONAL	JUDICIAL	County Clerk
Governor Vote for One	United States Senator Vote for One	Chief Justice Sup. Court Vote for One	Vote for One
RICHARD ROE	CHARLES N. HART	WALTER WILTER	S. R. MALLORY
HENRY BROWN	WALTER BROWNLOW	JOSEPH JENNINGS	JAMES B. McCREARY
JOHN DOE	CASSIUS N. CLAY	THOMAS MERTON	ASBURY C. LATTIMER
Lieutenant Governor Vote for One	Representative in Congress 8th District Vote for One	Associate Justice Sup. Ct. Vote for Two	Auditor Vote for One
WILLIAM SMITH	PETER PETERSON	WILLIAM BREWER	JOHN W. DANIEL
THOMAS GREEN	BASTICK BOYLAN	ERASTUS PECK	M. J. FOSTER
HORACE JONES	HENRY HUDSON	SAMUEL SNOW	JOHN M. PATTERSON
		GEORGE TAWNEY	J. F. ALLEE
			CLARENCE D. CLARK
Secretary of State Vote for One	LEGISLATIVE		Treasurer Vote for One
JOHN TOURTILLOTTE	Member Assembly 48th District Vote for One	Judge of the District Court of Appeal, First District Vote for One	FRED T. DU BOIS
ALBERT BERG	PETER PETERSON	ANTHONY BRENNAN	AUGUSTUS O. BACON
PETER E. HANSON	ANDREW ANDERSON	PETER DREW	JAMES H. BERRY
	GEORGE CAUGHEY		
Controller Vote for One		Judge of the Superior Ct. Vote for Two	Assessor Vote for One
THOMAS THOMPSON		GEORGE BUNN	J. S. SPOONER
SAMUEL ALDEN	Delegate to State Convention 17th Senatorial District Vote for One	WALTER CAMPBELL	E. G. NEWLANDS
WILLIAM DUNN	WILLIAM S. STOKES	CHARLES R. DAVIS	E. W. PETTUS
	AMOS STRONG	THOMAS McCALL	
Treasurer Vote for One	COUNTY COMMITTEE	ERNEST W. ROBERTS	Tax Collector Vote for One
HENRY SAMPSON	Members County Central Committee Vote for Three		KNUTE NELSON
A. Y. CHILTON	JOHN T. HUNT	Justice of the Peace Vote for Two	REDFIELD PROCTOR
SAMUEL JOHNSON	JOSEPH T. JOHNSON	THOMAS SULLIVAN	E. W. CARMACK
	H. L. MAYNARD	PETER HEPBURN	
Attorney General Vote for One	E. S. MINOR	CLAUDE SWANSON	Recorder Vote for One
GEORGE P. WILSON	H. D. ROBINSON		C. M. DE PEW
W. B. CURRAN	EDWARD F. STEVENS		CHARLES W. FULTON
THOMAS O'BRIEN			THOMAS H. CARTER
Surveyor General Vote for One		SCHOOL	Public Administrator Vote for One
FRANK WHEATON		Supt. of Pub. Instruction Vote for One	H. M. TELLER
MICHAEL KERNAN		CHARLES N. STOVER	J. W. BAILEY
JOHN P. WALKER		FRANK N. KENDALL	
		ARTHUR ROBERTS	
Member State Board of Equalization, First District Vote for One		County Supt. of Schools Vote for One	Coroner Vote for One
WILLIAM ADAMS		TIMOTHY HEALEY	JAMES B. FRAZIER
HARRY ALGER		J. W. REYNOLDS	H. C. LODGE
		CHARLES CARSON	W. P. DILLINGHAM
		COUNTY AND TOWNSHIP	Surveyor Vote for One
		Sheriff Vote for One	JOHN F. DRYDEN
		J. P. DOLLIVER	J. B. FORAKER
		CHESTER I. LONG	
		R. A. ALGER	Supervisor Vote for One
			G. B. PATTERSON
		District Attorney Vote for One	THOMAS SPIGHT
		A. B. KITTREDGE	JAMES E. WATSON
		JOHN T. MORGAN	
		E. J. BURKETT	Constable Vote for One
			R. W. PARKER
			JOHN A. STERLING

10. The names of the candidates shall be printed on the ballot without indentation, in roman capital type not smaller than eight-point, between light lines or rules three eighths of an inch apart. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules, three eighths of an inch apart, as there are to be candidates nominated for such office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three eighths of an inch square. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "State," "Congressional," "Legislative," "County and Township" or "Municipal" or other proper general classification, as the case may be, printed in heavy-faced gothic capital type, not smaller than twelve-point. All official primary election ballots shall have printed on the back and immediately below the center thereof, in eighteen-point gothic capital type, the words "Official Primary Election Ballot," and underneath these words the respective numbers of the congressional, senatorial and assembly districts in which each ballot is to be voted. In the case of a primary election for the nomination of candidates for city or city and county offices only, the designations on the back of the ballot, in addition to the words "Official Primary Election Ballot," shall be the official designation of the respective ward and voting precinct in any such city or municipality, or the number of the assembly district and of the voting precinct in any such city and county in which each ballot is to be voted. The ballot shall be printed on the same leaf with a stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom one half inch from the right hand side of such ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot which shall be on the back of each strip, in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county; *provided*, that the sequence of numbers on such official ballots and stubs for each party shall begin with the number one. The official ballots of each political party shall be made up in stub books, each book to contain ten, or some multiple of ten, ballots, in the manner provided by law for official election ballots, and except as to the order of the names of candidates shall be printed in substantially the following form:

Printing names of candidates.

Printing on back of ballot.

Perforated line.

Number.

Form.

[Face of ballots on inserts.]

Sample
ballots.

SEC. 13. At least twenty days before the August primary election or before the May presidential primary election each county clerk or registrar of voters in any city and county shall prepare separate sample ballots for each political party, and a separate sample non-partisan ballot, placing thereon in each case in the order provided in subdivision 7 of section 12 of this act, and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him, or have been certified to him by the secretary of state, to be voted for at the primary election in his county or city and county. Such sample ballots shall be printed on paper of a different texture from the paper to be used on the official ballot, and one sample ballot of the party to which the voter belongs as evidenced by his registration shall be mailed to each such voter entitled to vote at such August primary election or May presidential primary election, as the case may be, not more than ten nor less than five days before the election. Not more than ten nor less than five days before the August primary election a non-partisan sample ballot printed on paper of a different texture from the paper to be used on the official ballot shall be mailed to each registered qualified elector who is not registered as intending to affiliate with any of the parties participating in said primary election. Such clerk or registrar of voters shall forthwith submit the ticket of each political party to the chairman of the county committee of such party and shall mail a copy to each candidate for whom nomination papers have been filed with him or whose name has been certified to him by the secretary of state, to the post-office address as given in such nomination paper or certification, and he shall post a copy of each sample ballot in a conspicuous place in his office. Before such primary election the county clerk or registrar of voters in any city and county shall cause the official ballot to be printed as provided by section 12 of this act, and distributed in the same manner and in the same quantities as provided in sections 1198, 1199 and 1201 of the Political Code for the distribution of ballots for elections; *provided*, that the number of party ballots to be furnished to any precinct shall be computed from the number of voters registered in such precinct as intending to affiliate with such party, and the number of non-partisan ballots to be furnished to any precinct shall be computed from the number of voters registered in such precinct without statement of intention to affiliate with any of the parties participating in the primary election. In the case of primary elections for the nomination of candidates for city offices it shall be the duty of the city clerk, secretary of the legislative body of such city or municipality, or such other officer charged by law with the duty of preparing and distributing the official ballots used at elections in such city or municipality, to prepare and mail the sample ballot and to prepare and distribute the official primary election ballots, and so far as applicable and not

Mailed
to voters.

Printing
of official
ballot.

In cities.

otherwise provided herein the provisions of this act shall apply to the nomination of all candidates for city offices.

SEC. 14. The polls must be open at six o'clock of the morning of the day of primary election and must be kept open until seven o'clock in the afternoon of the same day, when the polls shall be closed; *provided, however*, that if at the hour of closing there are any voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after seven o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. No adjournment or intermission shall be taken except as provided in the case of general elections.

Polls
open
6 a.m. to
7 p.m.

SEC. 15. The officers for primary elections shall be the same, and shall be appointed in the same manner, as provided by law for general elections, and such officers shall receive the same compensation for their services at primary elections as provided by law for general elections.

Election
officers.

It shall be the duty of the proper officers to furnish the original affidavits of registration and indexes for use at primary elections, which shall show the names of all voters entitled to vote at such primary elections, and shall be numbered, for purposes of the primary election, in like manner as provided in section 1113 of the Political Code. And all the provisions of section 1096 of the Political Code, so far as they are consistent with the provisions of this act, are hereby made applicable to primary elections within the meaning of this act.

SEC. 16. Any elector offering to vote at a primary election may be challenged by any elector of the city, city and county or county, upon either or all of the grounds specified in section 1230 of the Political Code, but his right to vote the primary election ticket of the political party designated in his affidavit of registration, as provided in section 1096 of the Political Code, or his right to vote the non-partisan primary ticket providing no such party is so designated, shall not be challenged on any ground or subjected to any tests other than those provided by the constitution and section 1230 of the Political Code of this state.

Challenge
of voter.

SEC. 17. Any elector qualified to take part in any primary election, who has, at least thirty days before the day of such primary election, qualified by registration, as provided by section 1096 of the Political Code, shall be entitled to vote at such primary election, such right to vote being subject to challenge only as hereinbefore provided; and shall, on writing his name or having it written for him on the roster, as provided by law for general elections in this state, receive the official primary election ballot of the political party designated in his affidavit of registration; (or the non-partisan ballot, providing no such party was so designated), and no other; *provided, however*, that no one shall be entitled to vote at any primary election who has not been a resident of the state one

Qualified
electors
may vote.

year, and of the county ninety days, preceding the day upon which such primary election is held. He shall be instructed by a member of the board as to the proper method of marking and folding his ballot, and he shall then retire to an unoccupied booth and without undue delay stamp the same with the rubber stamp there found. If he shall spoil or deface the ballot he shall at once return the same to the ballot clerk and receive another.

Designating
choice.

SEC. 18. The voter shall designate his choice on the ballot by stamping a cross (X) in the small square opposite the name of each candidate for whom he wishes to vote. If he shall stamp more names than there are candidates to be nominated for any office, or if for any reason it be impossible to determine his choice for any office, his ballot shall not be counted for such office, but the rest of his ballot, if properly stamped, shall be counted. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice, nor even though such ballot be somewhat soiled or defaced.

Folding
ballot.

SEC. 19. When a voter has stamped his ballot he shall fold it so that its face shall be concealed and only the printed designation on the back thereof shall be visible, and hand the same to the member of the board in charge of the ballot box. Such folded ballot shall be voted as ballots are voted at general elections and the name of the voter checked upon the register as having voted.

No inter-
mission
between
closing of
polls and
counting
of votes.

SEC. 20. No adjournment or intermission whatever shall take place until the polls shall be closed and until all the votes cast at such polls shall be counted and the result publicly announced, but this shall not be deemed to prevent any temporary recess while taking meals or for the purpose of other necessary delay; *provided*, that no more than one member of the board shall at any time be absent from the polling place.

Canvass
of votes.

SEC. 21. As soon as the polls are finally closed the judges must immediately proceed to canvass the votes cast at such primary election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof declared. Except as hereinafter provided, the canvass shall be conducted, completed and returned as provided by sections 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267 and 1268 of the Political Code of this state; *provided, however*, that the ballots of each party must be sealed and returned in separate envelopes, and the non-partisan ballots must be sealed and returned in another separate envelope. The number of ballots agreeing or being made to agree with the number of names on the lists, as provided by section 1255 of the Political Code, the board must take the ballots from the box, count those cast by each party, and string them separately; count all the votes cast for each party candidate for the several offices and record the same on the tally lists; and count all the votes on all the ballots, both party and non-partisan, for the candi-

dates for judicial, school, county, and township offices, and record the same on the tally lists.

SEC. 22. The board of supervisors of each county, the board of election commissioners in any city and county, or, in the case of a city or municipal primary election, the officers charged by law with the duty of canvassing the vote at any city or municipal election in such political subdivision, shall meet at the usual place of such meeting, or at any other place permitted by law, at one o'clock in the afternoon of the first Thursday after each primary election to canvass the returns, or as soon thereafter as all the returns are in. When begun the canvass shall be continued until completed, which shall not be later than six o'clock in the afternoon of the sixteenth day following such primary election. The clerk of the board must, as soon as the result is declared, enter upon the records of such board a statement of such result, which statement shall contain the whole number of votes cast for each candidate of each political party for each candidate for each judicial, school, county, or township office, for each candidate for delegate, if any, to a state convention from a hold-over senatorial district, and for each candidate for membership in the county central committee; and a duplicate as to each political party shall be delivered to the county, city and county or city chairman of such political party, as the case may be. The clerk shall also make an additional duplicate statement in the same form, showing the votes cast for each candidate not voted for wholly within the limits of such county or city and county. The county clerk or registrar of voters in any city and county shall forthwith send to the secretary of state by registered mail or by express one complete copy of all returns as to such candidates, and as to all candidates for the state assembly, state senate, representatives in congress, judicial officers, except justices of the peace, delegate, if any, to a state convention from a hold-over senatorial district, and as to all persons voted for at the May presidential primary election. The clerk shall also prepare a separate statement of the names of the candidates of each political party who have received the highest number of votes for the several offices to be voted for wholly within such county, city and county, or other political subdivision in which such primary election was held. The secretary of state shall, not later than the twenty-fifth day after any primary election, compile the returns for United States senator and for all candidates voted for in more than one county, and for all candidates for the assembly, state senate, representatives in congress and judicial offices, except justices of the peace, delegate, if any, to a state convention from a hold-over senatorial district, and for all persons voted for at the May presidential primary election, and shall make out and file in his office a statement thereof. He shall compile the returns for the May presidential primary election not later than the twenty-first day after such election, and shall compile said returns in such a manner as to show,

Canvass
of
returns.

Declara-
tion of
result.

Returns to
secretary
of state.

Secretary
of state
to compile
returns.

Names
which go
on the
ballot
for the
election.

for each candidate, both the total of the votes received and the votes received in each congressional district of the state.

SEC. 23. Except in the case of a candidate for nomination to a judicial office, school office, county office, or township office, the person receiving the highest number of votes, at a primary election as the candidate for the nomination of a political party for an office shall be the candidate of the party for such office, and his name as such candidate shall be placed on the official ballot voted at the ensuing election; *provided*, he has paid the filing fee required by subdivision 8 of section 7 of this act. The name of the person in each political party who receives at a primary election the highest number of votes for United States senator shall also be placed on the official ballot under the heading "United States Senator." In the case of a judicial office, school office, county office, or township office, the candidates equal in number to twice the number to be elected to such office, or less, if so there be, who receive the highest number of the votes cast on all the ballots of all the voters participating in the primary election for nomination to such office, shall be the candidates for such office at the ensuing election, and their names as such candidates shall be placed on the official ballot voted at the ensuing election; *provided, however*, that in case there is but one person to be elected at the November election to a judicial office, school office, county office, or township office, any candidate who receives at the August primary election a majority of the total number of votes cast for all the candidates for such office shall be the only candidate for such office at the ensuing election. Of the candidates for election to membership in the county central committee, the candidates equal in number to the number to be elected receiving the highest number of votes in their supervisorial district or assembly district, as the case may be in accordance with the provisions of subdivision 4 of section 24 of this act, shall be declared elected as the representatives of their district to membership in such committee. It shall be the duty of the officers charged with the canvass of the returns of any primary election in any county, city and county or municipality to cause to be issued official certificates of nomination to such party candidates as have received the highest number of votes as the candidates for the nomination of such party for any offices to be voted for wholly within such county, city and county, or municipality, and cause to be issued to such delegate a certificate of his election; and to cause to be issued official certificates of nomination to such candidates for judicial, school, county, or township office as may be entitled thereto under the provisions of this section. It shall be the duty of the secretary of state to issue official certificates of nomination to candidates nominated under the provisions of this act for representatives in congress, members of the state senate and assembly and officers voted for in more than one county; and to issue certificates of election to all persons elected

Certificates of nomination.

at the May presidential primary election as delegates to their respective national party conventions, and to notify each of said delegates of the total vote received by each of the persons voted for in his party at said election, under the heading "For Presidential Nominee." Not less than thirty days before the November election the secretary of state shall certify to the county clerks or registrars of voters of each county and city and county within the state, the name of every person entitled to receive votes within such county or city and county at said November election who has received the nomination as a candidate for public office under and pursuant to the provisions of this act, and whose nomination is evidenced by the compilation and statement required to be made by said secretary of state and filed in his office, as provided in section 22 of this act. Such certificates shall in addition to the names of such nominees respectively, also show separately and respectively for each nominee the name of the political party or organization which has nominated such person if any and the designation of the public office for which he is so nominated. The secretary of state shall also certify to the county clerk or registrar of voters the names of those persons who have received in their respective parties the highest number of votes for United States senator.

List of persons entitled to receive votes.

Sec. 24. 1. Party conventions of delegates chosen as hereinafter provided may be held in this state, for the purpose of promulgating platforms and transacting such other business of the party as is not inconsistent with the provisions of this act.

Party conventions.

2. The candidates of each political party for state officers, if any, except judicial and school officers, and such candidates for senate and assembly as have been nominated by such political party at the primary election, and in whose behalf nomination papers have been filed, together with one delegate chosen by such political party from each senatorial district represented by a hold-over senator, shall meet in a state convention at the state capitol at two o'clock in the afternoon of the third Tuesday in September after the date on which any primary election is held preliminary to the general November election. They shall forthwith formulate the state platforms of their party, which said state platform of each political party shall be framed at such time that it shall be made public not later than six o'clock in the afternoon of the following Thursday. They shall also proceed to elect a state central committee to consist of at least three (3) members from each congressional district, who shall hold office until a new state central committee shall have been selected. In each year of the general November election at which electors of president and vice president of the United States are to be chosen, they shall also nominate as the candidates of their party as many electors of president and vice president of the United States as the state is then entitled to, and it shall be the duty of the secretary of state to issue certificates of nomination to the

State conventions.

Platforms.

State central committee.

Presidential electors.

electors so nominated, and to cause the names of such candidates for elector to be placed upon the ballots at the ensuing November election.

Members must have been on primary ballot.

Membership in the state convention shall not be granted to a party nominee for a state office or office of senator or assemblyman who has become such by reason of his name having been written on a ballot, and who has not had his name printed on the primary ballot by having had a nomination paper filed in his behalf, as provided in section 5 of this act; and, in every such case, a vacancy shall be deemed to exist; and any vacancy thereby existing, or existing because no nomination for such office has been made, or for any other cause, shall be filled as hereinafter provided. In any senatorial district represented by a hold-over senator there shall be chosen at such primary election by the electors of every political party one delegate to the state convention, who shall have nomination papers circulated in his behalf, shall have his name placed upon the ballot, and shall be chosen in the same manner as a state senator is nominated from any senatorial district; but no such delegate shall be disqualified by reason of holding any office, nor shall any filing fee be required in order to have his name placed upon the ballot. The term "hold-over senator" as herein used shall apply to a state senator whose term of office extends beyond the first Monday in January of the year next ensuing after the primary election, and the term "hold-over senatorial district" shall apply to the district represented by such hold-over senator.

"Hold-over senator."

Filling vacancies.

In the event that there shall not have been filed any nomination paper for a candidate for any state office or office of senator or assemblyman by the electors of any political party, the vacancy thus created in the state convention of such party shall be filled as follows:

(a) If the vacancy occurs in a senatorial or assembly district situated wholly within the limits of a single county or city and county, by appointment by the newly elected county central committee of such party in such county or city and county.

(b) If the vacancy occurs in a senatorial or assembly district comprising two or more counties, by appointment by the newly selected chairman of the several newly elected county central committees of such party in such counties.

(c) If the vacancy occurs in a state office, by appointment by the state central committee of such party.

Such delegate so appointed shall present to the convention credentials signed by the chairman and the secretary of the appointing committee, or by the appointing chairmen of the several committees, as the case may be.

Executive committee.

3. Each state central committee may select an executive committee, to which executive committee it may grant all or any portion of its powers and duties. It shall choose its officers by ballot and each committee and its officers shall have the power usually exercised by the such committees and the officers thereof in so far as may be consistent with this act. The various

officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with the provisions of this act.

4. At each August primary election there shall be elected in each county or city and county a county central committee for each political party, which shall have charge of the party campaign under general direction of the state central committee or of the executive committee selected by such state central committee. In all counties or cities and counties containing five or more assembly districts the county central committee shall be elected by assembly districts and shall consist of one member for each one thousand electors or fraction thereof in each such assembly district registered as belonging to the political party with which such electors are affiliated as shown by the register of voters of such county or city and county on the first Monday of June next preceding said primary election. In all counties containing less than five assembly districts the county central committee shall be elected by supervisorial districts, and the number to be elected from any supervisorial district shall be determined as follows: The number of electors registered in any supervisorial district as intending to affiliate with any political party shall be divided by one-twentieth of the number of electors registered in the entire county as intending to affiliate with said party, as such registration exists, in each case, on the first Monday of June next preceding the primary election; and the integer next larger than the quotient obtained by such division shall constitute the number of members of the county central committee to be elected by such party in said supervisorial district. The county clerk or registrar of voters in each county or city and county shall, between the first Monday and the second Monday of June next preceding the primary election, complete the number of members of the county central committee allotted to each assembly district or supervisorial district, as the case may be, by the provisions of this subdivision. Each candidate for member of a county central committee shall appear upon the ballot upon the filing of a nomination paper according to the provisions of section 5 of this act, signed in his behalf by the electors of the political subdivision in which he is a candidate, as above provided; and the number of candidates to which each party is entitled, as hereinbefore provided, in each political subdivision, receiving the highest number of votes shall be declared elected. Each county central committee shall meet in the courthouse at its county seat on the second Tuesday in September following the August primary election, and shall organize by selecting a chairman, a secretary and such other officers and committees as it shall deem necessary for carrying on the campaign of the party.

County
central
committees.

Meeting.

SEC. 25. In case as a result of any primary election a person has received a nomination to any elective office without first having filed nominating papers and having his name printed on

Candidate
who filed
no papers
may
withdraw
name.

the primary election ballot, he may at least thirty days before the day of election cause his name to be withdrawn from nomination by filing in the office where he would have filed his nominating papers had he been a candidate for nomination, his request therefor in writing, signed by him and acknowledged before the county clerk of the county in which he resides, and no name so withdrawn shall be printed on the election ballot for the ensuing general election. The vacancy created by the withdrawal of such person as aforesaid, or on account of the ineligibility of such person to qualify as a candidate because of the inhibitions of subdivision 8 of section 5 of this act shall not be filled. In all other cases vacancies occurring after the holding of any primary election may be filled by the party committee of the city, county, city and county, or state, as the case may be, unless such vacancy occurs among candidates chosen at the primary election to go on the ballot for the succeeding general election for a judicial, school, county, or township office according to the provisions of section 23 of this act, in which case that candidate receiving at said primary election the highest vote among all the candidates for said office who have failed to receive a sufficient number of votes to get upon said ballot according to the provisions of said section 23, shall go upon said ballot to fill said vacancy.

Filling
such
vacancies.

The vote.

SEC. 26. In case of a tie vote, if for an office to be voted for wholly within one county or city and county, the county, city and county or city board, as the case may be, shall forthwith summon the candidates who have received such tie votes to appear before such board, and such board in the presence of such candidates shall determine the tie by lot. In the case of a tie vote for an office to be voted for in more than one county, such tie shall be determined by lot by the secretary of state in the presence of the candidates or their legally appointed representatives. Such summons must in every case be mailed to the address of the candidate as it appears upon his affidavit of registration.

Correc-
tion of
errors or
omission.

SEC. 27. Whenever it shall be made to appear by affidavit to the supreme court or district courts of appeal or superior court of the proper county that an error or omission has occurred or is about to occur in the placing of any name on an official primary election ballot, that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, county clerk, registrar of voters in any city and county, canvassing board or any member thereof, or other person charged with any duty concerning the primary election, or that any neglect of duty has occurred or is about to occur, such court shall order the officer or person charged with such error, wrong or neglect to forthwith correct the error, desist from the wrongful act or perform the duty, or forthwith show cause why he should not do so. Any person who shall fail to obey the order of such court shall be cited forthwith to show cause why he shall not be adjudged in contempt of court.

SEC. 28. Any candidate at a primary election, desiring to contest a nomination of another candidate for the same office, may, within five days after the completion of the official canvass, file an affidavit in the office of the clerk of the superior court of the county in which he desires to contest the vote returned from any precinct or precincts in such county, and thereupon have a recount of the ballots cast in any such precinct or precincts, in accordance with the provisions of this section. Such affidavit must specify separately each precinct in which a recount is demanded, and the nature of the mistake, error, misconduct, or other cause why it is claimed that the returns from such precinct do not correctly state the vote as cast in such precinct, for the contestant and the contestee. The contestee must be made a party respondent, and so named in the affidavit. No personal service or other service than as herein provided need be made upon the contestee. Upon the filing of such affidavit the county clerk shall forthwith post in a conspicuous place in his office, upon a bulletin board to be prepared for that purpose, and to have upon it in conspicuous letters the words "Notice of Primary Election Contests" a copy of the affidavit. Upon the filing of such affidavit and the posting of the same, the superior court of the county shall have jurisdiction of the subject matter and of the parties to such contest, and all candidates at any such primary election are permitted to be candidates under this act, upon the condition that such jurisdiction for the purposes of the proceeding authorized by this section shall exist in the manner and under the conditions provided for by this section. The contestant on the date of filing such affidavit, must mail a copy thereof to the contestee in a sealed envelope, with postage prepaid, addressed to the contestee at the place of residence named in the affidavit of registration of such contestee, and shall make an affidavit of such mailing and file the same with the county clerk to become a part of the records of the contest. Within two days after the expiration of the time for filing such affidavits, the county clerk shall present all such affidavits and proof of posting as aforesaid to the judge of the superior court of the county, or any judge acting in his place, or the presiding judge of the superior court of a county or city and county, or any one acting in his stead, which judge shall, upon such presentation, forthwith designate the time and place where such contest shall proceed, and in counties or cities and counties where there are more than one superior judge, assign all the cases to one department by the order of such court. Such order must so assign such case or cases, and fix such time and place for hearing, which time must not be less than one nor more than three days from the presentation of the matter to the court by the county clerk, as herein provided. It shall be the duty of the contestee to appear either in person or by attorney, at the time and place so fixed, and to take notice of the order fixing such time and place from the records of the court, without service. No special appearance of the contestee for any purpose shall be permitted,

Contest
of nomination.

Copy
mailed to
contestee.

Time and
place of
hearing.

and any appearance whatever of the contestee or any request of the court by the contestee or his attorney, shall be entered as a general appearance in the contest. No demurrer or objection can be taken by the contestee in any other manner than by answer, and all the objections of the contestee must be contained in his answer in the contest. The court if the contestee shall appear, must require the answer to be made within three days from the time and place as above provided, and if the contestee shall not appear shall note his default, and shall proceed with all convenient speed. If the number of votes which are sought to be recounted, or the number of contests are such that the judge shall be of opinion that it will require additional judges to enable the contest or contests to be determined in time to print the ballots for the election, if there be only one judge for such county, he may obtain the service of any other superior judge, and the proceedings shall be the same as herein provided in counties where there is more than one superior court judge. If the proceeding is in a county or city and county where there is more than one superior court judge, the judge to whom the case or cases shall be assigned, shall notify the presiding judge forthwith, of the number of judges which he deems necessary to participate, in order to finish the contest or contests in time to print the ballots for the primary election, and the said presiding judge shall forthwith designate as many judges as are necessary to such completion of such contest, by order in writing, and thereupon all of the judges so designated shall participate in the recount of such ballots and the giving of judgment in such contest or contests in the manner herein specified. The said judges so designated by said last mentioned order, including the judge to whom said contests were originally assigned, shall convene upon notice from the judge to whom such contest or contests were originally assigned, and agree upon the precincts which each one of such judges will recount, sitting separately, and thereupon such recount shall proceed before each such judge sitting separately, as to the precincts so arranged, in such manner that the recount shall be made in such precincts before each such judge as to all the contests pending, so that the ballots opened before one judge need not be opened before another judge or department, and the proceedings before such judge in making such recount as to the appointment of the clerk and persons necessary to be assistants of the court in making the same, shall be the same as in contested elections, and the judge shall fix the pay or compensation for such persons and require the payment each day in advance, of the amount thereof by the person who is proceeding with and requiring the recount. When the recount shall have been completed in the manner herein required, if more than one judge has taken part therein, all the judges who took part shall assemble and make the decision of court, and if there be any differences of opinion, a majority of such judges shall finally determine all such questions, and give the decision or judgment of the court in such contest or

No
demurrer.

Additional
judges.

Recount
of votes.

Decision.

contests, separately. Such decision or judgment of the court shall be final in every respect, and no appeal can be had therefrom. The judgment shall be served upon the county clerk or registrar of voters by delivery of a certified copy thereof, and may be enforced summarily in the manner provided in section 27 of this act, and if the contest proceeds in more than one county, and the nominee is to be certified by the secretary of state from the compilation of election returns in his office, then the judgment in each county shall show what, if any changes in the returns in the office of the secretary of state relating to such county or city and county, ought to be made, and all such judgments shall be served upon the secretary of state, by the delivery of a certified copy, and he shall make such changes in the record in his office as such judgment or judgments require, and conform his compilation and his certificate of nomination in accordance therewith.

No
appeal.

SEC. 29. No candidate for nomination to any elective office, including that of United States senator in congress, shall directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for lawful expenses. Lawful expenses as used in this section are limited to expenses for the following purposes only:

Campaign
expenses.

1. For the candidate's official filing fee.
2. For the preparing, printing, circulating, and verifying of nomination papers.
3. For the candidate's personal traveling expenses.
4. For rent and necessary furnishing of halls or rooms, during such candidacy, for public meetings or for committee headquarters.
5. For payment of speakers and musicians at public meetings and their necessary traveling expenses.
6. For printing and distribution of pamphlets, circulars, newspapers, cards, handbills, posters and announcements relative to candidates or political issues or principles.
7. For his share of the reasonable compensation of challengers at the polls.
8. For making canvasses of voters.
9. For clerk hire.
10. For conveying infirm or disabled voters to and from the polls.
11. For postage, expressage, telegraphing, and telephoning, relative to candidacy.

SEC. 30. Every person who shall be a candidate for nomination to any elective office, including that of United States senator in congress, shall make in duplicate, within fifteen days after the primary election, a verified statement, setting forth each and every sum of money contributed, disbursed, expended or promised by him, and, to the best of his knowledge and belief, by any and every other person or association of persons in his behalf wholly or partly in endeavoring to secure his nomination. This statement must show in detail all moneys paid, loaned, contributed, or otherwise furnished to him directly or

Verified
statement
of
expenses,
etc

indirectly in aid of his election, together with the name of the person or persons from whom such moneys were received; and must also show in detail, under each of the subdivisions of section 29 of this act, all moneys contributed, loaned, or expended by him directly or indirectly by himself or through any other person, in aid of his election, together with the name of the person or persons to whom such moneys were paid, or disbursed. Such statement must set forth that the affiant has used all reasonable diligence in its preparation, and that the same is true and is as full and explicit as he is able to make it. Within the time aforesaid the candidate shall file one copy of said statement with the officer with whom his nomination papers were filed, and the other with the recorder of the county or city and county in which he resides, who shall record the same in a book to be kept for that purpose, and to be open to public inspection. No officer shall issue any certificate of nomination to any person until such statement as herein provided has been filed, and no other statement of expenses shall be required except that provided herein, and no fee or charge whatsoever shall be made or collected by any officer herein specified for the filing of such statements or a copy thereof.

With
whom
filed.

Penalty.

SEC. 31. Any person violating any of the provisions of section 29 or section 30 of this act shall be guilty of a misdemeanor, and upon trial and conviction thereof, in addition to the sentence imposed by the court, he shall forfeit all right to the office for which he was a candidate at the time of violating the provisions aforesaid.

Bribes.

SEC. 32. 1. Any person who shall offer, or with knowledge of the same permit any person to offer for his benefit, any bribe to a voter to induce such voter to sign any nomination paper, and any person who shall accept such bribe or any promise of gain of any kind in the nature of a bribe as consideration for signing any nomination paper, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after signing, shall be guilty of a misdemeanor and upon trial and conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than one hundred and twenty days, or by both such fine and imprisonment.

Penalty.

Failure
to file
nomina-
tion
papers.

2. Any person who, being in possession of any nomination paper or papers and affidavits entitled to be filed under the provisions of this act, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time and in the proper place shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Other
offenses.

3. Any act or omission declared to be an offense by the general laws of this state concerning primaries and elections shall

also in like case be an offense concerning primary elections as provided for by this act, and shall be punished in the same manner and form as therein provided, and all the penalties and provisions of the law governing elections, except as herein otherwise provided, shall apply in equal force to primary elections as provided for by this act.

SEC. 33. It shall be the duty of the secretary of state and the attorney general to prepare on or before August 1, 1913, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primary elections held in pursuance hereof.

Secretary of state to prepare forms.

SEC. 34. This act shall be known as the direct primary law.

Title of act.

SEC. 35. If any section, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subdivisions, sentences, clauses, or phrases be declared unconstitutional.

Constitutionality of act

SEC. 36. The act approved April 7, 1911, known as the direct primary law, and also the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said direct primary law, are hereby repealed; and all other acts or parts of acts, inconsistent with or in conflict with the provisions of this act, are also hereby repealed.

Repealed.

CHAPTER 691.

An act to amend section four thousand two hundred and forty-five of the Political Code of the State of California, relating to salaries and fees of officers and fees and mileage of jurors in counties of the sixteenth class.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred and forty-five of the Political Code of the State of California is hereby amended to read as follows:

4245. In counties of the sixteenth class the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Counties, sixteenth class, salaries of officers.

1. The county clerk, three thousand two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk the following clerks, deputies and employees, who shall be appointed by the county clerk, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and twenty-five dollars per month; one court room deputy at a

County clerk.

salary of one hundred and fifteen dollars per month; one office deputy at a salary of one hundred dollars per month; one stenographer at a salary of sixty dollars per month; *provided, further*, that in any year that the compilation of a new great register is required by law, the county clerk shall receive as expenses for compiling such great register the sum of five cents for each name inserted in said great register, to be paid upon the filing and presentation of a duly verified claim therefor by the county clerk with the board of supervisors of said county; *and provided, further*, that in any year when a new great register of voters is required by law, that said county clerk may appoint such number of registration deputies as may be necessary for the registration of voters in their respective precincts, each of said deputies to receive the sum of ten cents per name for each elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim therefor. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *provided, however*, that the compensation for the registration of electors and compilation of the great register, as herein provided for, shall not be paid in monthly installments but shall be paid after proper allowance of such claims by the board of supervisors of said county.

Sheriff.

2. The sheriff, five thousand dollars per annum, all mileage for the service of papers in civil actions arising either inside or outside of the county, excepting actions in which the county is interested, all fees for service of papers in actions arising outside of the county, all expenses incurred in criminal cases and the sum of thirty-seven and one half cents per day for feeding each prisoner committed to his custody; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff the following deputies, clerks and employees, who shall be appointed by the sheriff, and shall be paid salaries as follows: One chief deputy sheriff at a salary of one hundred and fifty dollars per month; one court room deputy sheriff at a salary of one hundred dollars per month; one deputy sheriff to act as jailer at a salary of one hundred dollars per month; and one stenographer to the sheriff, at a salary of eighty-five dollars per month. The salaries of the deputies, clerks and employees herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Recorder.

3. The recorder, three thousand two hundred and fifty dollars per annum, and ten cents per name for inserting each name (as grantor or grantee), in the general index, and ten cents for each and every mortgage, trust deed and tax sale abstracted in preparing abstract of mortgage and tax sales for the assessor when such abstract is required by law; the

cost thereof shall be a charge against the county and payable out of the general fund; *provided*, that in counties of this class, there shall be and there hereby is allowed to the recorder the following clerks, deputies and employees, who shall be appointed by the county recorder, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and twenty-five dollars per month, one deputy at a salary of one hundred dollars per month, and two clerks, each of whom shall receive a salary of fifty dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

4. The auditor, three thousand two hundred and fifty ^{Auditor.} dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the auditor the following clerks and employees, who shall be appointed by the county auditor, and shall be paid salaries as follows: One deputy auditor at a salary of one hundred and ten dollars per month and one computation clerk for three months only in each year, at a salary of eighty-five dollars per month. The salaries of the clerks and employees herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county auditor is paid.

5. The treasurer, three thousand two hundred and fifty ^{Treasurer} dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the treasurer, one clerk, who shall be appointed by the treasurer and who shall receive a salary of seventy-five dollars per month, said salary to be paid in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid; *provided, however*, that the bond of the treasurer shall be executed with a reliable bonding and surety company and that the cost of said bond, when duly approved, shall be a charge against the county and payable out of the general fund.

6. The tax collector, three thousand two hundred and fifty ^{Tax collector.} dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following clerks, deputies and employees, who shall be appointed by the tax collector, and shall be paid salaries as follows: One deputy tax collector at a salary of one hundred and twenty-five dollars per month; one stenographer to the tax collector at a salary of seventy-five dollars per month; and such copyists as the tax collector may appoint at a salary of not to exceed two dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such copyists shall not exceed the sum of six hundred dollars per annum; one index clerk to be paid not to exceed one cent for each separate assessment appearing on the rolls each year; such copyists and index clerk to be paid for their services

on the presentation and filing with the board of supervisors of said county a duly verified claim therefor. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, however*, that the compensation of said copyists and said index clerk shall be paid on the presentation and filing of claims with the board of supervisors as hereinbefore provided.

District
attorney.

7. The district attorney, three thousand two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following deputies, clerks and employees, who shall be appointed by the district attorney and shall be paid salaries as follows: One chief deputy district attorney at a salary of one hundred and fifty dollars per month; one deputy district attorney at a salary of one hundred dollars per month; and one stenographer to the district attorney at a salary of fifty dollars per month. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

Superin-
tendent of
schools.

8. The superintendent of schools, three thousand two hundred and fifty dollars per annum, which shall include his actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools one deputy superintendent of schools, who shall be appointed by the superintendent of schools, and shall be paid a salary of seventy-five dollars per month. The salary of the deputy herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

Assessor.

9. The assessor, five thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following clerks, deputies and employees, who shall be appointed by the assessor, and shall be paid salaries as follows: One chief deputy assessor at a salary of one hundred and twenty-five dollars per month; one office deputy assessor at a salary of one hundred and twenty-five dollars per month; three field deputy assessors to hold office during not to exceed five months each in any one year at a salary of one hundred and twenty-five dollars per month each; one field deputy assessor to hold office not to exceed five months in any one year at a salary of one hundred dollars per month; one copyist at a salary of sixty dollars per month. And such additional deputy assessors and clerks as the assessor may appoint at a salary not to exceed five dollars per day, each; *provided, however*, that the total amount of salary and compensation paid to such additional deputies and clerks, at a salary

not to exceed five dollars per day each, shall not exceed the sum of two thousand four hundred dollars per annum; said additional deputies and clerks, at a salary not to exceed five dollars per day each, to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim therefor. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *provided, however*, that the compensation of said additional deputy assessors, at a salary of not to exceed five dollars per day, shall be paid on the presentation and filing of claims with the board of supervisors, as hereinbefore provided; *provided, however*, that in counties of this class the assessor shall receive no compensation or commissions for the collection of personal property taxes; nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes nor shall the said assessor receive any compensation for making out the military roll of persons returned by him as subject to military duty as provided by section 1901 of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll taxes and road poll taxes shall be allowed to such counties on their settlement with the state and be and remain the property of such counties.

10. The coroner, such fees as are now or may hereafter be allowed by law; *provided, however*, that in counties of this class there shall be and there hereby is allowed to the county coroner one stenographer to the coroner to be appointed by him at a salary of seventy-five dollars per month. The salary of the stenographer herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county officers is paid. Coroner.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

12. The surveyor, ten dollars per day for all work performed for the county, and, in addition thereto, all necessary expenses and transportation for work performed in the field, which per diem and expenses shall be in lieu of all fees and per diem heretofore allowed by law. Surveyor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of three thousand or more, one hundred dollars a month; (2) in townships having a population of twenty-five hundred and less than three thousand, fifty dollars a month; (3) in townships having a population of two thousand and less than twenty-five hundred, forty-five dollars a month; (4) in townships having a population of twelve hundred and less than two thousand, forty dollars a month; (5) in townships having a Justices of the peace.

population of one thousand and less than twelve hundred, twenty dollars a month; (6) in townships having a population of four hundred and fifty and less than one thousand, fifteen dollars a month; (7) in townships having a population of less than four hundred and fifty, five dollars a month. Each justice must pay into the county once a month, all fines collected by him in criminal cases, and the auditor must withhold warrants for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office which the coroner is unable to attend to, the justices of the peace shall receive the same fees as are allowed the coroner in similar cases.

Constables. 14. Constables shall receive the following salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of three thousand or more, one hundred twenty-five dollars a month; (2) in townships having a population of twenty-five hundred and less than three thousand, eighty dollars a month; (3) in townships having a population of two thousand and less than twenty-five hundred, seventy-seven and one half dollars a month; (4) in townships having a population of twelve hundred and less than two thousand, seventy-five dollars a month; (5) in townships having a population of one thousand and less than twelve hundred, thirty-five dollars a month; (6) in townships having a population of four hundred and fifty and less than one thousand, twenty-five dollars a month; (7) in townships having a population of less than four hundred and fifty, five dollars a month; *provided, further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For summoning a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fee allowed by law. For transporting prisoners to the county jail, the actual expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law.

Popu-
lation of
townships
ascertained
by super-
visors.

15. The population of the several judicial townships, for the purpose of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors in

the month of July, 1914, and in the month of July every four years thereafter.

16. Each member of the board of supervisors nine hundred dollars per annum, and as road commissioner three hundred dollars per annum and expenses, as supervisor and road commissioner not to exceed twenty cents per mile each way for traveling to and from his residence while engaged in the performance of the duties of supervision of public road as road commissioner, or other business of the county, said expenses not to exceed fifty dollars in any one month. Supervisors.

17. Grand jurors and jurors in the superior court shall receive the sum of three dollars for each day's attendance and mileage for each day's attendance at the rate of seven cents per mile of the distance actually traveled from the residence of said juror to the county seat one way only and which mileage shall be payable out of the funds of the county on the order of the judge of said superior court. Fees, jurors.

CHAPTER 692.

An act to amend section four thousand two hundred seventy-two of the Political Code of the State of California, relating to the salaries and fees of officers of counties of the forty-third class.

[Approved June 18, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred seventy-two of the Political Code of the State of California is hereby amended to read as follows:

4272. In counties of the forty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries. to wit: Counties, forty-third class, salaries of officers.

1. The county clerk, one thousand nine hundred and twenty dollars per annum, and such fees as he may be now or hereafter allowed by law to retain; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy clerk, who shall be appointed by the county clerk and shall be paid a salary as follows: The sum of one thousand dollars per annum, which sum shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid. County clerk.

2. The sheriff, three thousand five hundred dollars per annum. The sheriff shall also receive for his own use and benefit all fees, commissions and mileage, in all civil cases within his county, and all fees, commissions and mileage for service of any papers issued by any court outside of his county. Sheriff.

3. The recorder, twelve hundred dollars per annum, and Recorder.

such fees as he may be now or hereafter allowed by law to retain. The board of supervisors is hereby authorized to employ such number of copyists at such salaries and for such length of time as the said board may deem necessary to properly and expeditiously record all instruments and documents filed for record in the office of the county recorder of such county, and the salary of such copyist or copyists shall be paid out of the general fund of said county.

4. The auditor, six hundred dollars per annum.

5. The treasurer, one thousand five hundred and sixty dollars per annum.

6. The tax collector, seven hundred dollars per annum.

Assessor.

7. The assessor, twenty-four hundred dollars per annum. He shall also be permitted to appoint such deputies as he may desire, of whom one shall be paid by the county for the term of six months, beginning on the first Monday in January in each year at the rate of one hundred [dollars] per month, and one of whom shall be paid by the county for the term of four months, beginning on the first Monday in March in each year, at the rate of one hundred dollars per month, and one of whom shall be paid by the county at the rate of one hundred dollars per month for the term of two months, said term beginning on the first Monday of March of each year. The board of supervisors shall allow the assessor to appoint extra deputies, other than as above provided, in the ratio of one for every three hundred assessment statements, or major fraction thereof in excess of twenty-eight hundred statements and said extra deputies shall each serve four months in each year, at will of the assessor, and shall be paid each one hundred dollars per month. All salaries of deputies as above provided, shall be paid in the same manner, and at the same time as the salary of the assessor is paid. All commissions allowed by law to the assessor for the collection of poll tax, road poll, personal property or special taxes, shall be paid into the county treasury by the assessor, monthly as collected, for the use of the county, and shall be apportioned by the auditor and the treasurer to the salary fund.

8. The district attorney, one thousand five hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

Justices
of the
peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of more than twenty-five hundred, ninety dollars per month; in townships having a population of less than twenty-five hundred and more than one thousand, thirty dollars per month; in townships having a population of less than one thousand and more than six hundred, twenty dollars per month; in townships having a population of less than six hundred, fifteen dollars per month. The compensation herein fixed for justices of the peace shall be in full for all services rendered, and all fees collected by them shall be paid into the county treasury as provided by law; *provided*, that justices of the peace now holding office shall, during their present term, be entitled to retain for their own use all civil fees.

14. Constables shall receive the following monthly salaries Constables to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five hundred, thirty-five dollars per month; in townships having a population of less than twenty-five hundred and more than one thousand, fifteen dollars per month; in townships having a population of less than one thousand, ten dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling expenses from his residence to the county seat. Super-
visors.

16. Each member of the county board of education, including the secretary, shall receive one hundred and fifty dollars per annum as compensation for his services on the board of education, and mileage at the rate of twenty cents per mile, one way, from his residence to the place of meeting of said board. Said compensation of said members and of said secretary shall be paid monthly in the same manner and out of the same fund as the salaries of other county officers are paid. Claims for such mileage shall be presented to and allowed by the board of supervisors before payment. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy. Board of
Education.

17. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors, by multiplying by five the vote for presidential electors cast in each township at the next preceding election. Population
of
Townships,
how deter-
mined.

CHAPTER 693.

An act to amend section four hundred twelve of the Code of Civil Procedure of the State of California relating to the requisites for the publication of summons.

[Approved May 20, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section four hundred twelve of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Cases in which service of summons may be by publication.

412. Where the person on whom service is to be made resides out of the state; or has departed from the state; or cannot, after due diligence, be found within the state; or conceals himself to avoid the service of summons; or is a corporation having no managing or business agent, cashier or secretary, or other officer upon whom summons may be served, who, after due diligence can not be found within the state, and the fact appears by affidavit to the satisfaction of the court, or a judge thereof; and it also appears by such affidavit, or by the verified complaint on file, that a cause of action exists against the defendant in respect to whom the service is to be made, or that he is a necessary or proper party to the action; or when it appears by such affidavit, or by the complaint on file herein, that it is an action which relates to or the subject of which is real or personal property in this state, in which such person defendant or corporation defendant has or claims a lien or interest, actual or contingent, therein, or in which the relief demanded consists wholly or in part in excluding such person or corporation from any interest therein, such court or judge may make an order that the service be made by the publication of the summons; *provided*, that where service is sought to be made upon a person who cannot, after due diligence, be found within the state it must first appear to the court by the affidavit aforesaid that there has not been filed, on behalf of such person, in the county where such action is pending, the certificate of residence provided for by section one thousand one hundred and sixty-three of the Civil Code in the county in which the action is brought; or that said certificate was so filed and that the defendant cannot be found at the place named in said certificate, which latter fact must be made to appear by the certificate of the sheriff of the county wherein said defendant claims residence in and by said certificate of residence, and which certificate of said sheriff must show that service of said summons was attempted upon said defendant at the place named in said certificate of residence but that said defendant was not to be found thereat.

Certificate of residence.

CHAPTER 694.

An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. There are hereby established two funds in the state treasury to be known, respectively, as the public school teachers' retirement salary fund and the public school teachers' permanent fund. The public school teachers' permanent fund shall be made up of all moneys received from the following sources, or derived in the following manner:

School teachers' permanent fund.

(1) All contributions made by teachers, as hereinafter provided;

(2) The income and interest derived from the investment of the moneys contained in such fund;

(3) Five per cent of the taxes collected during the fiscal year ending July 1, 1913, and each fiscal year thereafter under the inheritance or transfer tax laws of this state, which said amount shall be and is hereby appropriated and set aside to constitute part of the public school teachers' permanent fund. It is hereby made the duty of the state controller, at the beginning of each fiscal year, including the fiscal year ending July 1, 1914, to transfer from the general fund to the public school teachers' permanent fund an amount equal to five per cent of the total sum paid into the state treasury during the preceding fiscal year on account of inheritance taxes;

(4) All donations, legacies, gifts and bequests which shall be made to such fund, and all moneys which shall be obtained or contributed for the same purposes from other sources;

(5) Appropriations made by the state legislature from time to time to carry into effect the purposes of this act.

SEC. 2. The public school teachers' retirement salary fund shall be made up of such moneys as shall be transferred from time to time under authority of this act from the public school teachers' permanent fund.

School teachers' retirement fund.

SEC. 3. It shall be the duty of the state controller and of the state treasurer to make, when notified by the public school teachers' retirement salary fund board, or by the state superintendent of public instruction, under authority of this act, transfers of such amounts from the public school teachers' permanent fund to the public school teachers' retirement salary fund as will be sufficient to meet the claims which may be legally drawn against said public school teachers' retirement salary fund; *provided*, that no part of any sums derived

Transfers to meet claims.

from any public school teachers' annuity fund existing in any city, county, or consolidated city and county, at the time of the adoption of this act shall ever be transferred from the public school teachers' permanent fund, but the income and interest derived from the investment of these or any other moneys which have been paid into the public school teachers' permanent fund may be transferred under authority of this section.

Annual
accumulation
tion.

SEC. 4. It is hereby declared to be the intention of this act that there shall be an annual accumulation of funds amounting to ten thousand dollars per year in the public school teachers' permanent fund and no transfer of moneys derived from any source shall be made which shall interfere with or prevent the annual accumulation of moneys in the public school teachers' permanent fund to that extent.

Monthly
deductions
from
teachers'
salaries.

SEC. 5. There shall be deducted monthly from the salary of every teacher subject to the burdens of this act, one dollar, and every official whose duty it is to pay said teacher's salary shall make said deduction at the time of payment and shall, at the end of each quarter, draw a warrant in favor of the state treasurer for the amounts deducted. The amounts thus deducted shall be deposited in the state treasury to the credit of the public school teachers' permanent fund, and shall constitute part thereof.

Eligibility
to receive
benefits.

SEC. 6. No person shall, except as hereinafter otherwise provided, be eligible to receive the benefits of this act who shall not have paid into said public school teachers' permanent fund, or partly into said fund and partly into the public school teachers' annuity and retirement fund, maintained under the act of the legislature of the State of California, approved March 26, 1895, and acts amendatory thereof, an amount equal to twelve dollars for each year of service up to and including thirty years; *provided, however,* that the difference between the amount actually paid by such teacher of thirty years' service, and three hundred and sixty dollars, may be paid into said fund by such teacher at the time of retirement, with the same effect as if the full sum of three hundred and sixty dollars had been paid at the rate of twelve dollars per year before retirement; or, the sum of twenty dollars per month may be withheld from such teachers' retirement salary until the amount so withheld shall equal the difference between said sum of three hundred and sixty dollars and the amount theretofore paid into said permanent fund, or partly into said last mentioned fund and partly into said public school teachers' annuity and retirement fund.

Board.

SEC. 7. The state board of education shall constitute the public school teachers' retirement salary fund board. The president and secretary of the state board of education shall be the president and secretary, respectively, of said public school teachers' retirement salary fund board.

SEC. 8. The public school teachers' retirement salary fund

board, subject to the provisions of this act, shall have power, ^{Powers and duties.} and it shall be its duty:

(1) To approve and allow retirement salaries of public school teachers entitled to the same under the provisions of this act;

(2) Through its president or other officer designated by it for that purpose, to audit all claims and demands for money expended or authorized to be expended by it, and certify all claims and demands against the public school teachers' permanent fund and the public school teachers' retirement salary fund, including all retirement salary demands, to the state controller, who shall draw his warrant therefor upon the state treasurer, payable out of said fund; *provided*, that no demand shall be allowed except after resolution duly passed at a meeting of the board by a majority of its members, which adoptions shall be attested by the secretary;

(3) To require the boards of education, school trustees and other public authorities, and all officers having duties to perform in respect to the contributions by teachers to said permanent fund, to report to the board from time to time as to such matters pertaining to the payment of such contributions, as it may deem advisable;

(4) To invest the moneys in the permanent fund in securities and to collect the income therefrom and interest and dividends thereon; to deposit such securities with the state treasurer, and to make sale of such securities when, in its judgment such sale will be advisable; *provided*, that none of the moneys in the public school teachers' permanent fund shall be invested in any securities except such securities as those in which the funds of savings banks may be legally invested. The state controller is authorized to draw his warrant upon the public school teachers' permanent fund in payment of duly audited claims arising out of the investment of the moneys in said fund;

(5) To prescribe the duties of the secretary and other officers of the board;

(6) To conduct investigations in all matters relating to the operation of this act, and to subpoena witnesses and compel their attendance to testify before it in respect to such matters.

SEC. 9. Said public school teachers' retirement salary fund ^{Meetings.} board shall meet at least once every three months and at each quarterly meeting shall make a list of all persons entitled to payment out of the fund established by this act, and enter said list in a book to be kept by the board for that purpose, known as the "Public School Teachers' Retirement Salary Fund Record." Said list shall be certified as correct by the president and secretary of the board, and shall always be open to public inspection. In the performance of the duties of the board, each member and the secretary thereof may administer oaths and affirmations to witnesses and others transacting business with the board.

Rules
and regu-
lations.

SEC. 10. The board shall make rules and regulations not inconsistent with the provisions of this act, which shall have the force and effect of law. Such rules and regulations shall:

(1) Provide for the conduct and regulation of the meetings of the board and the operation of the business thereof;

(2) Provide for the enforcement and carrying into effect of the provisions of this act;

(3) Establish a system of accounts showing the condition of the public school teachers' permanent fund and the public school teachers' retirement salary fund, and receipts and disbursements for and on account of said funds;

(4) Prescribe the form of warrants, vouchers, receipts, reports and accounts to be used in respect to said funds;

(5) Regulate the duties of boards of education, school trustees and other school authorities, imposed upon them by this act, in respect to the contributions by teachers to the public school teachers' permanent fund, and the deduction of such contributions from the teachers' salaries.

Rules
governing
application
for retire-
ment
salaries.

SEC. 11. In addition to the powers hereinabove enumerated said board shall make and enforce all necessary and proper rules and regulations for the method or methods of applying for and obtaining retirement salaries provided for in this act, and for the method or methods of determining the right of each applicant to such retirement salary; *provided, however,* that in all cases legal proof of all necessary facts shall be required and kept on file.

Report of
amounts
required
in each
city, etc.

SEC. 12. The superintendent of public schools of each city, county, and consolidated city and county, shall report to the superintendent of public instruction, before the fifteenth day of July of each year, the amount that will be required during the current fiscal year to pay the retirement salaries to be paid in such city, county, or consolidated city and county, and said superintendent of public instruction shall determine from said reports the entire amount required to pay said retirement salaries during said current fiscal year. He shall report the amount required to make such payments to the public school teachers' retirement salary fund board, and thereupon said board shall notify the state controller and by resolution, duly adopted, shall direct him to make transfer of the needed amount from the public school teachers' permanent fund to the public school teachers' retirement salary fund. It shall be the duty of the state controller thereupon to make such transfer and to notify the state treasurer in order that he may make corresponding entry in the records of his office. When claims for payment of retirement salaries have been duly audited under the provisions of this act the controller shall draw his warrant therefor upon the said public school teachers' retirement salary fund.

Who is
entitled
to retire-
ment
salary.

SEC. 13. Every public school teacher who shall have complied with all the requirements of this act, and who shall have served as a legally qualified teacher in public day or evening schools, or partly as such teacher and partly as

superintendent or supervising executive or educational administrator, for at least thirty school years, at least fifteen of which shall have been in the public schools of this state, including the last ten years of service immediately preceding retirement, under a legal certificate shall be entitled to retire; or if physically or mentally incapacitated for the proper performance of the duties of teacher, may be compelled to retire by the board of education, school trustees or other school authorities employing such teacher. Upon retirement, voluntary or involuntary, such teacher shall be entitled to receive, during life, an annual retirement salary of five hundred dollars, payable in installments quarterly by warrant drawn as provided in section eight of this act; *provided*, that application for such salary be made within two years after the last month of service, except in cases where at the time the right to the retirement salary accrues such teacher has been absent two years or more from service, on leave duly granted by the board of education, board of trustees or other public school authorities employing such teacher. In such cases, the application may be made at any time during the said leave of absence. All teachers heretofore retired after thirty years of service, under the provisions of the act of the legislature of the State of California, approved March 26, 1895, entitled "An act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the state," and acts amendatory thereof, shall be entitled to an annual retirement salary of five hundred dollars, payable in installments quarterly by warrants drawn as provided in section eight of this act.

Amount.

Teachers heretofore retired.

SEC. 14. Any public school teacher who shall have complied with all the requirements of this act and who shall have served as a legally qualified teacher for at least fifteen years in the public schools of this state, and who shall have by reason of bodily or mental infirmity become physically or mentally incapacitated for further school service, under a legal certificate shall be entitled to retire, or may, by the board of education, school trustees or other school authorities employing such teacher, be compelled to retire. Upon retirement, voluntary or involuntary, such teacher shall be entitled to receive during the period of such disability, an annual retirement salary, payable in installments quarterly, which shall be the same fraction of the maximum retirement salary of five hundred dollars as said teacher's time of service is of thirty years; *provided*, that application for such retirement salary shall be made within two years of the last month of service. Each teacher who, by reason of incapacity due to bodily or mental infirmity, shall have retired under the aforesaid act, approved March 26, 1895, and acts amendatory thereof, after fifteen years' service, shall receive upon the taking effect of this act and during the period of disability, an annual retirement salary which shall be the same fraction of the maximum

Teachers incapacitated may receive retirement salary.

retirement salary of five hundred dollars, as said teacher's line of service is of thirty years.

Service in normal schools.

SEC. 15. Service of a teacher, with or without a certificate, in a state normal school, shall be equivalent to service under legal certificate in a day or evening school, and the time of said service in a state normal school shall be reckoned in determining the right to retirement salaries under the provisions of sections thirteen and fourteen of this act.

School year.

SEC. 16. In counting actual experience for the purposes of this act, the state board of education shall determine what constitutes a school year; *provided*, that in no case shall leaves of absence amounting to school years, or half school years, be counted as service; *and provided, further*, that in reckoning the time of service for the purposes of this act, the night school term shall be considered the same as and equivalent to the day school term.

Teachers bound by act.

SEC. 17. This act shall be binding upon all such teachers employed in the public schools of this state at the time of the approval of this act, as shall, on or before January 1st, 1914, sign and deliver to the superintendent of public instruction and the superintendent of public schools of the city, county, or consolidated city and county in which said teachers are in service, a notification that said teachers agree to be bound by and to avail themselves of the benefits of this act.

SEC. 18. This act shall be binding upon all teachers elected or appointed to teach in the public schools of this state after the approval of this act, who, not being in the service of the public schools at the time of the approval of said act, were not competent to sign or deliver the notification specified in section seventeen.

Salary to cease on re-employment.

SEC. 19. If any teacher retired under the provisions of this act shall be re-employed in the public schools of this state, such teacher's retirement salary shall cease; and if any teacher having qualified under section fourteen hereof returns to service in the public schools of the state and thereafter qualifies under section thirteen hereof, there shall be deducted from the retirement salary payable to such teacher under the provisions of section thirteen hereof the amount of retirement salary, theretofore actually received by such teacher under the provisions of section fourteen hereof, such amount to be so deducted in equal quarterly installments until the whole amount so received under said section fourteen shall have been deducted; *provided, however*, that the amount of such deduction to be made quarterly shall not exceed thirty-five dollars.

Only one salary.

SEC. 20. No one shall be permitted to draw from the state, directly or indirectly, more than one retirement salary. Nothing in this act shall be so construed, however, as to prevent local communities or bodies of teachers from supplementing the retirement salary received from the state.

City, etc., fund to be delivered to state treasurer.

SEC. 21. Every public school teacher's annuity fund existing in any city, county, or consolidated city and county, established under the aforesaid act, approved March 26, 1895,

shall within six months after this act goes into effect, be delivered to the state treasurer and by him turned into the public school teachers' permanent fund created by this act, and shall be added to and become part of the permanent fund provided for in section one of this act.

SEC. 22. Said act of the legislature of the State of California, approved March 26, 1895, and all acts amendatory thereof, are hereby repealed. Repealed.

CHAPTER 695.

An act to regulate the building and occupancy of hotels and lodging houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known as the state hotel and lodging house act and its provisions shall apply to all incorporated towns, incorporated cities and cities and counties in the State of California. Hotel and lodging-house act.

SEC. 2. For the purpose of this act certain words and phrases are defined as follows: A "hotel" is a building or part thereof intended, designed or used for supplying food and shelter to residents or guests and having a general public dining-room or café, or both, and containing more than fifteen guests' rooms. A "lodging house" is a building containing more than fifteen rooms in which persons are or may be accommodated with sleeping apartments for hire, by the day, week, or month. A "yard" is an open, unoccupied space on the same lot with a hotel or lodging house, between the extreme rear line of the hotel or lodging house and the rear line of the lot; *provided*, that in the case of a corner lot the yard may be placed in the rear of either frontage. A court is an open, unoccupied space, other than a yard, on the same lot with a hotel or lodging house. A court not extending to the street or yard is an inner court. A court extending to the street or yard and bounded on three sides by a hotel or lodging house on the same lot is an outer court. If it extends to the street it is a street court. If it extends to the yard it is a yard court. If it extends from the street to the yard it is a street-to-yard court. A court bounded on one side and one end by a hotel or a lodging house on the same lot and on the remaining side by a lot line and the remaining end open to the street or yard is a lot-line outer court. A court bounded on one side and both ends by a lodging house on the same lot and on the remaining side by a lot line, is a lot-line court. A court bounded on one side and both ends by a hotel on the same lot and on the remaining side by a lot line, is a lot-line court. A

lot line is the boundary line between two lots. A corner lot is a lot situated at the junction of two streets or of a street and public alley or other public thoroughfare or public park not less than sixteen feet in width. Any portion of the frontage of such lot behind which the yard is placed distant more than seventy-five feet from such junction shall not be regarded as part of a corner lot but shall be subject to the provisions of this act respecting other than corner lots.

Yard
behind
hotel.

SEC. 3. Behind every hotel or lodging house hereafter erected, there shall be a yard extending across the entire width of the lot and at every point open from the ground to the sky, unobstructed, except that open iron fire escapes may project not over four feet from the rear line of the house. The depth of said yard, measured from the extreme rear wall of the house toward the rear line of the lot, shall be as provided in the following sections.

Depth
of yard.

SEC. 4. Except upon a corner lot, as provided in section five, or upon a lot running through from street to street or street to public alley or other public thoroughfare or public park, or a lot surrounded upon its sides by streets or streets and public alleys, or parks or other public thoroughfares not less than sixteen feet in width, as provided in section six, the depth of the yard behind every hotel or lodging house shall not be less than twelve feet in every part; *provided*, that whenever such lot is less than one hundred and twenty feet in depth said yard shall be not less than ten per cent of the depth of said lot in every part and in no case less than seven feet in every part.

Depth of
yard on
corner lot.

SEC. 5. The depth of the yard for every hotel or lodging house hereafter erected upon a corner lot shall be not less than seven feet in every part and at every point open and unobstructed from the level of the second tier of beams (the second floor level); *provided*, that where any such lot is less than seventy feet in depth behind the frontage back of which the yard is to be placed the depth of the yard shall be not less than ten per centum of such depth of such lot, but shall never be less than five feet in every part. When a corner lot is more than seventy-five feet in width upon the frontage behind which the yard is placed, the yard for that portion in excess of seventy-five feet shall conform to the provisions of section four of this act.

When
hotel
runs
from
street
to alley.

SEC. 6. Whenever a hotel or lodging house is hereafter erected upon a lot which runs through from one street to another street or public alley or other public thoroughfare or public park and said lot is not more than one hundred and fifty feet in depth one half of the narrowest street or public alley or other public thoroughfare or public park may be included in the depth of the yard required by sections four and five. If a lot is surrounded on its sides by streets or streets and public alleys or other public thoroughfares or public parks twenty feet or more in width the provisions relating to yards in sections four and five need not be com-

plied with; *provided*, that the hotel or lodging house to be constructed on such lot contains an outer court at least eighty feet deep and of a width twice as great as the depth prescribed for yards in section four and open to one of the surrounding streets, public alleys or other public thoroughfares or public parks; *provided*, that said outer court shall not be required to be of a depth which shall leave less than fifty feet between the rear line of said court and the line of said lot immediately behind said court.

SEC. 7. No window in a hotel or lodging house hereafter erected shall open upon a lot line.

SEC. 8. Windows in hotels or lodging houses hereafter erected may open upon a lot-line court, or upon a lot-line outer court or upon a street-to-yard court, of the minimum sizes provided in this act. No window shall open or be designed to open or be constructed upon a lot-line court unless said court be at least of the following minimum size: The wall of the hotel or lodging house forming one side of said court and running approximately parallel to the lot line shall, at its nearest point, be at least four feet distant from the lot line and said court shall be at least eight feet in length parallel to the lot line; *provided*, that said court need be but four feet in length parallel to the lot line when only windows opening from toilets or bathrooms only open upon said court. No windows in a hotel or lodging house hereafter erected shall open upon a street-to-yard court or upon a lot-line outer court unless said court has a width throughout its entire length of at least four feet. Windows in hotels or lodging houses hereafter erected shall not be constructed or placed in or opened through the outer wall of the building next to the lot line unless such windows open upon a lot-line court or a lot-line outer court or a street-to-yard court or upon a yard or court. When a room is located at the corner of a hotel or lodging house formed by the intersection of a lot line and a street or public alley or other public thoroughfare or public park and said room has a window or windows opening on such street or public alley or other public thoroughfare or public park said room may also have a window or windows opening upon the lot line.

SEC. 9. No hotel or lodging house existing prior to the passage or going into effect of this act or the permit for the construction of which was issued prior to the going into effect of this act shall hereafter have additions made thereto unless such additions comply with the provisions of this act and no building existing prior to the going into effect of this act or the permit for the construction of which was issued prior to the going into effect of this act shall hereafter be altered to a hotel or lodging house except with full compliance with the provisions of this act provided herein for the building and occupancy of hotels and lodging houses hereafter constructed.

Additional
to existing
hotels
must
comply
with act.

SEC. 10. Before the construction or alteration of a hotel or lodging house, or the alteration or conversion of a build-

Plans, specifications, etc., to be submitted to building department.

ing for use as a hotel or lodging house is commenced, the owner or his agent or architect shall submit to the building department of the incorporated town, incorporated city or city and county in which said hotel or lodging house or building to be constructed, altered, added to or converted is situated or to be situated, or if there be no building department then to the health department or if there be no building department or health department then to such department as shall be designated for that purpose by municipal ordinance of the municipality in which said work is contemplated, a detailed statement in writing, verified by the affidavit of the person making the same, of the specifications for the construction of such hotel or lodging house or building upon blanks or forms to be furnished by such department and also a complete and full copy of the plans of such work. Such statement shall give in full the name and residence, by street and number, of the owner or owners of such hotel or lodging house or building. If such construction, alteration or conversion is proposed to be made by any other person than the owner of the land in fee, such statement shall contain the full name and residence, by street and number, not only of the owner of the land, but of every person interested in such lodging house or hotel, either as owner, lessee or in any representative capacity. Said affidavit shall allege that such specification and plans are true and contain a correct description of such hotel or lodging house, building, structure, lot and proposed work. The statements and affidavits herein provided for may be made by the owner, or the person who proposes to make the construction, alteration or conversion, or by his agent or architect. No person, however, shall be recognized as the agent of the owner unless he shall file with the department with which the plans and specifications are filed a written instrument signed by such owner designating him as agent. Any false swearing in a material point in such affidavit shall be deemed perjury. Such plans and specifications and statements shall be filed in said department and shall be deemed public records, and no such specifications, plans or statements shall be removed from said department. The said department shall cause all such plans and specifications to be examined. If such plans and specifications conform to the provisions of this act relative to the building and occupancy of hotels and lodging houses the department with which said plans and specifications are required to be filed shall issue a written certificate to that effect to the person submitting the same. Such certificate shall state the state hotel and lodging house act has been complied with. Said department, may from time to time approve changes in any plans and specifications previously approved by it, provided the plans and specifications, when so changed, shall be in conformity with this act. The construction, alteration or conversion of such house, building or structure, shall be in

If plans conform.

accordance with such approved specifications and plans. When the original copy of the plans are filed an additional copy shall be presented to the department with which the plans are filed and when the permit to construct, alter or convert is issued said additional copy shall be certified thereon by said department as a true copy of the plans on file and delivered to the person to whom the permit is issued and shall be kept upon the premises upon which the hotel or lodging house is to be constructed, altered or converted, from the commencement of the work thereon to the final completion thereof and be subject to inspection at all times by proper authorities. A copy of all changes or alterations in the said plans on file duly authorized shall also be kept upon said premises or such changes or alterations shall be noted upon the copy issued with the permit and certified thereon by the department with which the original copy is filed. Any permit or approval which may be issued by said department but under which no work has been done above the foundation walls within six months from the issuance of such permit or approval, shall expire by limitation. Said department shall have power to revoke or cancel any permit or approval in case of any failure or neglect to comply with any of the provisions of this act, or in case any false statement or representation is made in any specification, plans or statements submitted or filed for or to obtain such permit or approval.

Changes
and altera-
tions in
plans.

SEC. 11. Upon the completion of the construction or alteration of a hotel or lodging house or alteration of a building into a hotel or lodging house and the making of a written application therefor by the owner, his agent, architect or contractor to the department charged with the enforcement of this act, said department, if said building at the date of such application is entitled thereto, shall, within ten days from the date of such application, issue a certificate that the hotel or lodging house or alteration thereof is completed in conformity with the state hotel and lodging house act, which certificate shall be entitled "certificate of final completion," and upon presentation of said certificate to the department of health of the incorporated town, incorporated city or city and county in which the building is located and filing the same with such department the department of health shall issue a permit to occupy such hotel or lodging house, which last mentioned permit shall be entitled "permit of occupancy upon completion of construction."

Certificate
of final
completion.

Permit
of occu-
pancy.

Said certificate and said permit shall each be made in duplicate and one copy of each shall remain on file in the department issuing it.

No hotel or lodging house hereafter constructed as or altered into a hotel or lodging house shall be occupied in whole or in part for human habitation until the issuance of the said "certificate of final completion" and of said "permit of occupancy upon completion of construction." If any building hereafter constructed as or altered into a hotel or

lodging house, be occupied in whole or in part for human habitation in violation of the provisions of this section such occupation shall be deemed unlawful and said premises shall be deemed unfit for human habitation and the department of health or other department charged with the enforcement of this act may cause them to be vacated accordingly.

Act
prescribes
minimum
require-
ments.

SEC. 12. Nothing in this act contained shall be construed to abrogate or impair the powers of the department of health, the department of public works or the building department or of the courts, to enforce the provisions of the charter or building ordinances and regulations of any incorporated town, incorporated city or city and county, not inconsistent with this act, or to prevent or punish violations thereof. The provisions of this act shall be held to be the minimum requirements adopted for the protection, health and safety of the community. Nothing in this act contained shall be construed as prohibiting the local legislative body of any incorporated town, incorporated city or city and county from enacting from time to time supplementary ordinances imposing further restrictions. But no ordinance, regulation or ruling of any municipal authority shall repeal, amend, modify or dispense with any provision of this act.

Inspection
of hotels.

SEC. 13. The building department, the health department and such other departments as the municipalities affected by the provisions of this act may designate by ordinance or otherwise shall have the right and it shall be its and their duty to enter into hotels and lodging houses within the said municipal corporation for the purpose of inspecting such houses and buildings to secure compliance with the provisions of this act, and to prevent violations thereof.

Penalty.

SEC. 14. Every person who shall violate or assist in violation of any provision of this act shall be guilty of a misdemeanor [and] punished by imprisonment in a county jail not exceeding six months or by a fine not exceeding five hundred dollars or by both, and in addition to the penalty therefor, shall be liable for all costs, expenses and disbursements paid or incurred by the department, by any of the officers thereof, or by any agent, employee or contractor of the same, in the prosecution of such violation.

Procedure
to prevent
violations.

SEC. 15. Except as herein otherwise specified the procedure for the prevention of violations of this act, or for the vacation of premises unlawfully occupied, or for other abatement of nuisance in connection with a hotel or lodging house, shall be as set forth in charter and ordinances of the municipality in which the procedure is taken. In case any hotel or lodging house, building or structure or any part thereof is constructed, altered, converted or maintained in violation of any provision of this act or of any order or notice of the departments charged with its enforcement, said department or departments may institute any appropriate proceeding or action to prevent such unlawful construction, alteration, conversion or maintenance,

to restrain, correct or abate such violation or nuisance, to prevent the occupation of said hotel or lodging house, or to prevent any act in violation of this act in or about such hotel or lodging house or lot. In any such action or proceeding said department or departments may, by affidavit setting forth the facts, apply to the superior court or to any judge thereof, for an order granting the relief for which said action or proceeding is brought, or for an order enjoining all persons from doing or permitting to be done any work in or about such hotel or lodging house or for occupying or using the same, until the entry of final judgment or order. In case any notice or order issued by said department or departments is not complied with, said department or departments may apply to the superior court, or to any judge thereof, for an order authorizing said department or departments to execute and carry out the provisions of said notice or order, to remove any violation specified in said order or notice. The court, or any judge thereof, is hereby authorized to make any order specified in this section. In no case shall the said departments or any officer thereof or the municipal corporation be liable for costs in any action or proceeding that may be commenced in pursuance of this act.

In case order be not complied with.

SEC. 16. Every fine imposed by judgment under section fourteen of this act upon a hotel or lodging house owner shall be a lien upon the house in relation to which the fine is imposed from the time of the filing of a certified copy of said judgment in the office of the recorder of the county in which said hotel or lodging house is situated, subject only to taxes and assessments and water rates and to such mortgage and mechanics' liens as may exist thereon prior to such filing; and it shall be the duty of the department instituting such action or proceeding upon the entry of such judgment to forthwith file the copy as aforesaid, and such copy upon being filed shall be forthwith indexed by the recorder in the index of mechanics' liens.

Fine to be lien on hotel.

SEC. 17. In any action or proceeding instituted by the department or departments charged with the enforcement of this act, the plaintiff or petitioner may file in the county recorder's office of the county where the property affected by the action or proceeding is situated, a notice of the pendency of such action or proceeding. Said notice may be filed at the time of the commencement of the action or proceeding, or at any time afterwards before final judgment or order, or at any time after the service of any notice or order issued by said department. Such notice shall have the same force and effect as the notice of pendency of action provided for in the Code of Civil Procedure. Each county recorder with whom such notice is filed shall record it, and shall index it in the name of each person specified in a direction subscribed by an officer of the department instituting such action or proceeding. Any such notice may be vacated upon the order of a judge of the court in which such action or proceeding or proceedings

Notice of pendency of action.

was instituted or is pending. The recorder of the county where such notice is filed is hereby directed to mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of a certified copy of such order.

Owners of hotels to file names, addresses, etc.

SEC. 18. Every owner of a hotel or lodging house and every lessee of the whole house, or other person having control of a hotel or lodging house, shall file in the department of health a notice containing his name and address, and also a description of the property, by street and number, and otherwise, as the case may be, in such manner as will enable the departments charged with the enforcement of this act to easily find the same; and also the number of rooms in each house. In case of a transfer of any hotel or lodging house it shall be the duty of the grantee of such hotel or lodging house to file in the department of health a notice of such transfer, stating the name of the new owner, within thirty days after such transfer. In case of the devolution of the said property by will, it shall be the duty of the executor and the devisee, if more than twenty one years of age, and in the case of devolution of such property by inheritance without a will, it shall be the duty of the heirs, or in case all the heirs are under age, it shall be the duty of the administrator of the deceased owner of said property to file in said department a notice stating the death of said owner and the names of those who have succeeded to his interests, within thirty days after the death of the decedent, in case he died intestate, and within thirty days after the probate of his will if he died testate.

Notice of agent's name, etc.

SEC. 19. Every owner, agent or lessee of a hotel or lodging house shall file in the department of health a notice containing the name and address of the agent of such house for the purpose of receiving service of process, and also a description of the property, by street and number or otherwise, in such manner as will enable the department charged with the enforcement of this act to easily find the same. The name of the owner or lessee may be filed for this purpose.

Names indexed.

SEC. 20. The names and addresses filed in accordance with sections eighteen and nineteen of this act shall be indexed by the department of health in such manner that all of those filed in relation to each hotel or lodging house shall be together and readily ascertainable. The department of health shall provide the necessary books and clerical assistance for that purpose, and the expense thereof shall be paid by the municipality. Said indexes shall be public records, open to public inspection during business hours.

Time of service.

SEC. 21. Every notice or order in relation to a hotel or lodging house shall be served five days before the time for doing the thing in relation to which it shall have been issued.

Sufficient service.

SEC. 22. In any action brought by any department charged with the enforcement of this act in relation to a hotel or lodging house for injunction, vacation of the premises, or

other abatement of nuisance, or to establish a lien thereon, it shall be sufficient service of summons to serve the same as notices and orders are served under the provisions of the Code of Civil Procedure. The plaintiff, except as hereinbefore provided, shall be any department charged with the enforcement of this act.

SEC. 23. All steam boilers, heating furnaces, or water heating apparatus using any fuel other than coal-gas or natural gas, installed in any hotel or lodging house, shall be enclosed in a room with walls of masonry, reinforced concrete, terra cotta or tile from the floor to the ceiling and with ceiling of same construction or of not less than three fourths inch plaster or metal lath. No wood shall be used in the construction of the floor. All windows shall be of wired glass not less than one quarter of an inch thick in metal frames and sashes. Where oil is burned every doorway shall have a masonry sill not less than six inches from the floor. Where oil is burned the furnace or heating apparatus shall not be fed by a gravity flow. All doors leading from said room shall be fire doors and either run on tracks or arranged to swing out and to close automatically. All fire doors shall overlap the wall at least four inches at sides and top. Sills shall be of metal at least one quarter inch thick on masonry or of masonry, and have horizontal faces extending under fire doors and outer edges flush with outer surface of fire doors. Top of sliding doors shall conform to incline on the track, which shall be three quarters inch to the foot. No door shall be hung on wooden frame or in contact with any wood work. Fire doors shall be made of three thicknesses of seven eighths inch by six inches tongued and grooved redwood boards, surfaced on both sides, the outer thicknesses to be vertical or diagonal and the inner thickness to be horizontal, nailed with clinched nails. Said doors shall be entirely covered with good tin plate ("IC" charcoal, 109 pounds to the box), not over fourteen inches by twenty inches in size, laid with locked joints covering nail heads, and all vertical seams shall be double locked. No solder shall be used. Such doors shall have hinges, hangers, latches and chafing strips of wrought iron bolted to the doors, and when sliding doors shall have steel tracks and wrought iron stops and binders bolted through the wall. Swinging doors shall have wall eyes of wrought iron built into or bolted through the wall. Every hotel or lodging house hereafter constructed of more than two stories in height shall have at least one standard fire escape on the front thereof and at least one other standard fire escape at some other part of the building. A hotel or lodging house upon a corner lot shall have a standard fire escape on each frontage. Such fire escapes shall have a balcony at the level of the second floor and a balcony at the level of the floor of each succeeding story above such second floor and from the topmost balcony shall have a gooseneck ladder running up over the fire wall and on to the roof.

Boiler
rooms.

Fire
escapes.

Wooden
hotels.

SEC. 24. Hotels and lodging houses may be constructed of wood to a height not exceeding forty feet and shall contain not more than three stories and basement within the said forty feet. In the case of a wooden building on a lot with the grade sloping downward from the façade at which the measurement is taken, the height of the building at any point of the grade shall not exceed fifty feet above the adjoining curb in case of corner lots, or above the natural level of the ground in case of inside lots.

Repealed.

SEC. 25. All statutes of the state and ordinances of incorporated towns, incorporated cities, and cities and counties, as far as inconsistent with the provisions of this act, are hereby repealed; *provided*, that nothing in this act contained shall be construed as repealing or abrogating any present law or ordinance of any incorporated town, incorporated city or city and county of the state, making further restrictions than are made in this act.

Building
permit.

SEC. 26. Every person desiring to construct or alter a hotel or lodging house, or to convert a house into a hotel or lodging house, shall obtain a permit from the department charged with the enforcement of this act. Every owner or lessee of a hotel or lodging house shall obtain at the beginning of each year a license from the health department or other department designated by municipal ordinance for that purpose.

License.

CHAPTER 696.

An act to amend sections 1094, 1120 and 1121 of the Political Code, all relating to registration of voters and the registers to be used at elections.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 1094 of the Political Code of the State of California is hereby amended to read as follows:

Biennial
registra-
tion of
voters.

1094. There shall be, in each even-numbered year, to continue for two years, except as hereinafter provided in each county and city and county of the state, a new and complete registration of the voters of such county or city and county, who are entitled thereto. Such registration shall begin on the first day of January of such years, and shall be in progress at all times except during the thirty days immediately preceding any election, when it shall cease for such election as to electors residing in the territory within which such election is to be held; and transfers of registration for such election may be made from one precinct to another precinct in the same county or city and county at any time when such registration shall be in progress in the precinct to which the elector seeks to transfer; *provided*, that where any general or special municipal election, or any other special election, is held between

When
registra-
tion may
be used.

the first day in January and the first day in April of the year in which such a new registration is had, the original affidavit of registration and indexes used in the last general state election in any county or city and county in this state may be used, together with the original affidavit of registration since the last election, and supplemental indexes, showing all additional registration, changes and corrections made since the registration for the last general election, completed to and including the thirtieth day prior to said general or special municipal election or other special election, which shall be the last day on which any person may register or transfer registration so as to entitle said person to a vote at such election. The board having charge and control of elections in each county or city and county, may provide by resolution, for the registration of voters in their respective precincts, by the officer charged with the registration of voters, and may also provide by resolution for the registration of voters at specified times and places, other than the office of the county clerk or registrar of voters, deemed most convenient to large numbers of voters, without reference to respective or particular precincts, in such a manner that the affidavits of registration as provided by law may be taken at such time and place, of any voter within the county who is entitled to register therein; *provided, however*, that in any city and county where the registration at the last preceding presidential election exceeded eighty-five thousand, no registration outside of the main office of the officer charged with the registration of voters shall be had except that which is without reference to particular precincts as last specified herein; *and provided, further*, that in any such city and county such registration without regard to particular precincts outside of the main office of the officer charged with the registration of voters, must be had in at least one place in each assembly district in such city and county for a period of not less than five days, exclusive of Sundays, next immediately preceding the close of registration for the September primary election provided for by state law, and said registration places shall be and remain open at least from ten o'clock a. m. to ten o'clock p. m. of each of said days; *provided, further*, that any registration which may be made at the main office for registration in any such city and county may be made in any of the places provided for registration in the assembly districts therein; *and provided, further*, that such other places of general registration, in addition to and other than those above specified, shall be provided in any such city and county as may be necessary for the proper and full registration of the voters thereof and such places of registration shall be provided at such times, for such length of time, and in such places as the board having control of registration in any such city and county may provide. Affidavits of registration to be used for the purpose of transferring the registration from one precinct to another in any such city and county, shall have printed upon the margin thereof the follow-

Registration
outside
clerk's
office.

Transfer
of registra-
tion.

ing words and matter: "Transfer of registration from last former precinct in this city and county. Such last former registration gave my residence at -----," (inserting the place of residence stated in such last former precinct registration in said city and county), and the person so making an affidavit for the purpose of transferring his precinct registration, shall be required as a part of such affidavit to state the place of residence so given by him in such last former registration in said city and county, and if such last former registration of such person from the residence so specified is not found at the main office of registration, then and in that event, if such last affidavit of registration for the purpose of transfer was not made at such main office, such voter may be cited by the officer or board charged with the registration of voters, by written or printed notice mailed in a sealed envelope, with proper postage thereon, addressed to the last place of residence of such person, as given in said affidavit of registration for the purpose of transfer, cited such person to appear at the main office of registration, not later than ten days from the time of mailing such citation (specifying the last day for such appearance), to correct or correctly state his former place of residence in said city and county at the date of his last prior registration, and that unless he or she so appear and make such statement in such manner that his or her said last former precinct registration before the making of said affidavit for the purpose of said transfer, may be found that his or her said affidavit and application for such transfer of registration will be canceled. Unless such person shall appear at such main office according to the requirements of such citation and make such statement as will enable his or her said last former place of residence and precinct registration, prior to said affidavit and application for transfer of registration in such city and county, to be found, his or her said last affidavit and application for transfer of registration shall be canceled. Upon the written request of the officer charged with the registration of voters, which request said officer shall make upon petition from any ten electors of the county, such petition to specify the premises from which lists are desired, every landlord or keeper of premises where lodgers abide, shall furnish said officer a list of all lodgers occupying rooms, or sleeping apartments, or beds in the premises under his or her or its control. Such lists shall be furnished upon blanks provided by said officer. Any landlord or keeper of premises where lodgers abide, who neglects or refuses to comply promptly with the provisions of this section or who furnishes a false list of such lodgers, shall be guilty of a misdemeanor. All lists so returned shall be kept on file in the office of the officer receiving same, open to public inspection. It shall be the duty of said officer to compile a list of such persons, if there are any, who are registered as residing in any of these premises and whose names are not returned in the lists furnished by

List of lodgers to be furnished by landlord.

the landlord or keeper thereof. At least three days before the date of the next succeeding election, in any precinct where such premises are located, said officer shall send by registered mail to the inspector of election in said precinct a certified copy of the list he has thus prepared, with instructions to challenge the vote of each and all such persons if offered at the election, under subdivision 5 of section 1230 of the Political Code.

SEC. 2. Section 1120 of the Political Code of the State of California is hereby amended to read as follows:

1120. All persons shall be entitled to vote at the elections mentioned in section 1044 of this code, who come within the terms or comply with the requirements of this section. Persons
entitled
to vote.

1. Every person who was a qualified elector at the general state election immediately preceding the holding of any of the elections mentioned in section 1044 of this code, and who was registered as required by law as a qualified elector of any one of the precincts which together compose the special election or consolidated election precincts, and who continues to reside within the exterior boundaries of such special election or consolidated election precinct, until the time of holding of the election provided for and held under said section 1044, shall be entitled to vote at said election, without other or additional registration except as provided in the second paragraph of this section. All other persons, in order to be entitled to vote at any of the elections provided for in said section 1044, must be registered in the manner required by sections 1094, 1096 and 1097 of this code, as an elector of and within one of the precincts which compose the special election or consolidated precinct wherein he claims to be entitled to vote. Such registration must be made and had in accordance with the provisions of sections 1094, 1096 and 1097 of the Political Code; *provided*, that such registration shall be in progress at all times except during the thirty days immediately preceding any such municipal or special election held under said section 1044 of this code.

2. Where any of the elections mentioned in section 1044 of this code is held in an even-numbered year and between the first day in April and the date of the general state election held that year, any person to be entitled to vote at such election mentioned in section 1044 of this code must have been registered during said even-numbered year in the manner required by sections 1094, 1096 and 1097 of this code as an elector of and within one of the precincts which compose the special election or consolidated precinct wherein he claims to be entitled to vote.

SEC. 3. Section 1121 of the Political Code of the State of California is hereby amended to read as follows:

1121. The register used at each special election or consolidated election precinct, at the elections provided for in section 1044 of this code; *provided*, such elections are not held between the first day in April and the date of the general state Register
used to
consist of
original
affidavits.

election in any even-numbered year, shall consist of the original affidavits of registration for the territory constituting such special election or consolidated election precinct, at the last general state election immediately preceding the holding of the election provided for in said section 1044, together with a supplement or supplements showing the additional names of the persons who by registration have since such general state election become entitled to vote at any of the elections to be held in such precinct, under said section 1044 of this code. In the event that precinct registers were used at the last preceding general state election, then it shall be the duty of the county clerk or person clothed with the authority for the registration of voters, to furnish such original affidavits of registration with the supplements aforesaid, for each of the special election or consolidated precincts, to the boards of election, respectively, in and for each such election precinct. No person shall be entitled to vote at any such election provided for in said section 1044 of this code, unless his name is registered by such original affidavit of registration, in the precinct within the exterior boundaries of the election precinct, or unless, according to the constitution and laws of this state, he is entitled to vote thereat. If any election provided for in section 1044 of this code is held between the first day in April and the date of the general state election in any even-numbered year, the register used at each special or consolidated election precinct at such election shall consist of the original affidavits of registration of those who had registered from the territory constituting such special or consolidated election precinct in said even-numbered year and at least thirty days prior to such election.

Name
must be
registered.

CHAPTER 697.

An act to amend section 4300e of the Political Code relating to justices of the peace fees.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follow:

Section 4300e of the Political Code is hereby amended to read as follows:

Fees of
justices
of the
peace.

4300e. Justices of the peace, except as in this title otherwise provided: For all services to be performed by him before trial, in a civil action, two dollars; and for the trial of either a question of law or fact, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issuance of execution thereon, three dollars, to be paid when such trial is calendared for hearing; and for the rendition and entry of judgment by default or confession, and services subsequent thereto, including execution and satisfaction of judgment, two dollars. For

all services in a criminal action or proceeding, whether on examination or trial, three dollars. For taking bail after commitment by another magistrate, fifty cents. For certificate and transmitting transcript and papers on appeal, one dollar. For copies of papers on docket, per folio, ten cents. For issuing a search warrant, to be paid by the party demanding the same, fifty cents. For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents. For taking deposition, per folio, fifteen cents. For administering an oath, and certifying the same, twenty-five cents. For issuing a commission to take testimony, fifty cents. For all services connected with the posting of estrays, one dollar. In cases before a justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive one dollar; and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him. For receiving and filing an abstract of judgment rendered by a justice or judge of another jurisdiction, and for subsequent services based thereon, two dollars. For performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in all cases. For issuing each process, writ, order or paper required by law to be issued not otherwise in this article provided for, twenty-five cents. For administering oath or affirmation not otherwise in this article provided for, ten cents. For each certificate or affidavit not otherwise in this article provided for, twenty-five cents. For taking and approving bond or undertaking, including the justification of sureties, fifty cents.

CHAPTER 698.

An act to amend section 2237 of the Political Code of the State of California, specifying the objects and changing the name of the California Institution for the Deaf and the Blind.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. Section 2237 of the Political Code of the State of California is hereby amended so as to read as follows:

Section 2237. The school for the deaf and the blind, located at Berkeley, Alameda county, is a part of the school system of the state, except that it shall derive no revenue from the public school fund, and has for its object the education of the deaf and the blind who, by reason of their infirmity, cannot be taught in the public schools. It shall be known and designated as the California School for the Deaf and the Blind.

Objects
of school
for deaf
and blind.

Name.

CHAPTER 699.

An act making an appropriation to pay the claim of William J. Burns against the State of California.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

Appropriation:
claim,
William J.
Burns.

SECTION 1. The sum of ten thousand (\$10,000) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of William J. Burns against the State of California.

SEC. 2. The state controller is hereby authorized to draw his warrant for the sum herein made payable and the state treasurer is directed to pay the same.

CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS.

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

CHAPTER 1.

Senate Concurrent Resolution No. 2, relative to joint rules.

[Filed with Secretary of State January 27, 1913.]

Resolved by the Senate, the Assembly concurring, That the following be and they are hereby adopted as the joint rules of the senate and assembly of the State of California:

JOINT RULES OF SENATE AND ASSEMBLY.

Joint address to governor.

1. When the senate and assembly shall judge it proper to make a joint address to the governor, it shall be presented to him in his audience chamber by the president of the senate in the presence of the speaker of the assembly and a select committee of six members from each house appointed by the respective presiding officers.

Joint
address to
governor.

STANDING COMMITTEES.

2. Subject to the right of either house to appoint additional committees, the following standing committees shall be appointed in the senate and assembly, the number of members and the manner of selection to be determined by the rules of each house:

Standing
commit-
tees.

- (1) Agriculture.
- (2) Banking.
- (3) Commerce and navigation.
- (4) Corporations.
- (5) County government.
- (6) Drainage, swamp and overflowed lands.
- (7) Education.
- (8) Elections.
- (9) Federal relations.
- (10) Finance in the senate and ways and means in the assembly.
- (11) Fish and game.
- (12) Hospitals and asylums.
- (13) Insurance.
- (14) Irrigation.
- (15) Judiciary.
- (16) Labor and capital.
- (17) Military affairs.
- (18) Mines and mining.
- (19) Municipal corporations.
- (20) Oil industries.

- (21) Public health and quarantine.
- (22) Public morals.
- (23) Prisons and reformatories.
- (24) Revenue and taxation.
- (25) Roads and highways.
- (26) Rules.

JOINT COMMITTEES.

Joint committees.

3. Joint standing committees of senate and assembly shall be appointed as follows:

- (1) Committee on revision and printing to consist of three (3) members from the senate and five (5) from the assembly.
- (2) Committee on joint rules to consist of the members of the rules committee of each house.

Bill or resolution in one house, rejected in the other, requires notice.

4. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

Each house to transmit papers.

5. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

Joint and concurring resolutions.

6. Joint resolutions are those which relate to matters connected with the federal government. All other resolutions relating to matters to be treated by both houses of the legislature are concurrent resolutions.

Joint resolutions treated as bills.

7. All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each house.

Amendments to amended bills must be attached.

Amendments to amended bills.

8. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the secretary or assistant secretary of the senate, or the clerk or assistant clerk of the assembly, as the case may be.

Bills read and referred to committee.

Bill read.

9. When a senate bill has been received by the assembly, or an assembly bill by the senate, with a message announcing that the same has passed the senate or assembly, such bill shall be read the first time by the secretary or clerk and referred

to a standing committee, unless otherwise ordered by the house.

Special file.

10. Ten (10) days after the close of the recess provided for Special file. in section 1, article IV, of the constitution, the senate and assembly shall adopt and provide a special file upon which shall be placed: In the senate, only assembly bills that have passed the assembly; and in the assembly, only senate bills that have passed the senate. Such special file shall be taken up at two o'clock p.m. of each day, and be considered at least one hour and a half after being so taken up. This rule shall not be suspended in either house except by a three-fourths vote of such house.

After a bill has been passed by the senate or assembly.

11. When a bill (if it be a senate bill) has been received from the senate by the assembly, after its passage, or (if it be an assembly bill) has been received from the assembly by senate after its passage, it shall be taken up by the senate or assembly, as the case may be, under the regular order of business ("senate messages" or "assembly messages"), read the first time. unless otherwise ordered by the house, and shall then be assigned to the proper committee, unless otherwise ordered, who shall act upon the same as soon as practicable, and report the same back to the senate or assembly forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the senate or assembly may, at any time, order such bill reported back from any committee by a majority vote. After a bill has been passed.

To concur or refuse to concur in amendments.

12. In case the senate amend and pass an assembly bill, or the assembly amend and pass a senate bill, the senate (if it be a senate bill) or the assembly (if it be an assembly bill) must either "concur" or "refuse to concur" in the amendments.

When amendments are concurred in.

13. If the senate concur (if it be a senate bill), or the assembly concur (if it be an assembly bill), the secretary or clerk shall notify the house making the amendments, and the bill shall be ordered to enrollment.

When senate or assembly refuse to concur.

14. If the senate refuse to concur (if it be a senate bill), or the assembly refuse to concur (if it be an assembly bill), the secretary or clerk shall notify the house making the amendments of such refusal and ask that they recede from their amendments. If they refuse to recede, the presiding officer shall appoint a committee of three (3) on conference and the secretary or clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the

majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first senator named on the conference committee shall act as chairman of the committee from the senate, and the first assemblyman named on such committee shall act as chairman of the committee from the house, and the chairmen thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The committee on conference shall report to both the senate and assembly.

Committee on conference.

Conference.

15. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective chairmen of committees.

Committee on free conference.

Free conference.

16. If the conference fail to agree or either house refuse to adopt the report of the committee, a committee on free conference shall then be appointed which shall consist of three members from each house to be constituted and appointed in the same manner as a committee on conference. The committee on free conference are hereby directed to include in their report any amendments which they may adopt as a committee, and such amendments shall be attached to the bill. The report of the committee on free conference shall not be subject to amendment, and if either house refuse to adopt such report no further proceedings shall be had. It shall require an affirmative vote of not less than four (4) of the members constituting the committee to agree upon a report. No member who has served on a committee on conference shall be appointed a member of a committee on free conference on the same bill.

When conference committee report is in order.

Conference committee report.

17. The presentation of the report of a committee on conference or free conference shall always be in order, except when the journal is being read or a question of order or a motion to adjourn is pending, or while the senate or assembly is dividing, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Messages must be announced by the assistant sergeant-at-arms.

Messages.

18. When a message shall be sent from either house it shall be announced at the door by the sergeant-at-arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

Secretary, clerk, etc., to carry messages.

19. Messages shall be sent by the secretary, clerk, or by such person as a sense of propriety of each house may determine to be proper.

Notices to be in writing under proper signatures.

20. Notice of the action of either house to the other shall be in writing, and under the signature of the secretary or clerk of the house from which such notice is to be conveyed.

Enrolled bills to receive signature of proper officers.

21. After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the engrossing and enrolling clerk and engrossing and enrolling committee of the assembly, or of the senate, as the bill may have originated, and shall first receive the signatures of the presiding officer and clerk or secretary of the house in which it emanated, before it shall be presented to the governor of the state. Enrolled bills.

Enrolling committee to compare.

22. When bills are enrolled they shall be re-examined by the engrossing and enrolling committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bill make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

President and speaker to sign bills.

23. After the examination and report, each bill shall be signed in the respective houses, first by the speaker of the assembly, then by the president of the senate.

Enrolling committee to present bills to governor.

24. After a bill shall have been thus signed in each house, it shall be presented by the engrossing and enrolling committee of the house in which it originated to the governor of the state for his approval (it being first indorsed on the back of the bill by the secretary or clerk, as the case may be, certifying in which house the bill originated). The said committee shall report the day of presentation to the governor, which time shall be carefully entered on the journal of the house in which the bill originated.

History of bills, etc.

25. There shall be printed daily by both the senate and assembly a history of all the bills, joint and concurrent resolutions and constitutional amendments, which shall show the action taken by the house up to the day preceding the publication of such history. A regular form shall be prescribed, and no other form shall be used. Immediately following the adjournment for the constitutional recess, the history shall be compiled and printed to date of recess. History.

Secretary and clerk to keep register.

26. The secretary of the senate and clerk of the assembly shall keep a register, in which shall be recorded every action taken by the senate and assembly on every bill, concurrent or joint resolution, or constitutional amendment.

Secretary and clerk shall indorse bills.

27. The secretary of the senate and clerk of the assembly shall indorse on every original bill a statement of any action taken by the senate and assembly.

Urgency provisions in bills.

Urgency
provisions.

28. Upon the third reading of an act which is an urgency measure within the meaning of section 1 of article IV of the state constitution, the presiding officer shall direct that the section of said act setting forth the facts constituting the necessity for such urgency (which shall be known as the urgency section) be then read and put to vote. The question shall be thus stated: "Shall this section setting forth the urgency features of this bill be passed?" If upon such final vote two thirds of all the members elected to the house in which the vote is being taken shall not vote in the affirmative, no further action shall be taken on the bill; but, in case an identical bill without such an emergency clause be again introduced into such house, such bill shall be placed on file without reference to any committee.

Indorsement of bills.

29. Bills introduced in either house shall be indorsed with the date of introduction.

Committee on revision and printing.

30. Unless otherwise ordered by the house in which the bill was introduced, all bills before being printed shall be immediately sent to the committee on revision and printing. The committee, by and with the written assent of the author filed with it, shall have authority to correct any clerical error such as in orthography, adding or correcting the enacting clause, mistakes in numbering sections and references thereto, errors in grammar, phraseology, or in the form of the bill.

Numbering lines of bills.

31. The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

Reports of committee on revision.

32. The committee on revision and printing shall return to the secretary of the senate or clerk of the assembly all bills in the order in which they were sent to it, but shall not retain any bill for longer than three legislative days, unless otherwise ordered.

Joint meeting of committees.

33. Whenever any bill has been referred by the senate to one of its committees, and the same or a like bill has been referred by the assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

Joint
meeting of
commit-
tees.

Bills, resolutions, etc.

34. Wherever the word "bill" is used in these rules it shall include constitutional amendments, joint and concurrent resolutions.

Press rules.

35. A person desiring recognition by the senate or assembly as a newspaper correspondent shall make application in writing to the president of the senate or speaker of the assembly.

Press
rules.

(a) The applicant shall state in writing the name of the newspaper or newspapers he represents and that he is not engaged, and will not become engaged as a lobbyist for any person, copartnership, corporation or interest, and that he is not and will not become the agent or representative of any person, copartnership, organization or corporation in advocating or attempting to defeat any measure pending in either branch of the legislature, that he is not employed in any executive, administrative or legislative department of the state government and will not become so employed while accepting the privileges of a press representative.

(b) It shall be the duty of the president of the senate and the speaker of the assembly to assign one or more rooms for the exclusive use of correspondents during the legislative session, which room shall be known as the press room. The press room shall be under the control of the superintendent of capitol building and grounds; *provided*, that all rules and regulations shall be approved by the president of the senate and speaker of the assembly.

Adjournment.

36. Adjournment for the constitutional recess and adjournment *sine die* shall be made only by concurrent resolution.

Dispensing with joint rules.

37. No joint rule shall be dispensed with except by vote of two thirds of each house; and if either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the president or speaker may direct the secretary or clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

Dispensing
with joint
rules.

CHAPTER 2.

Senate Concurrent Resolution No. 4, approving three certain amendments to the charter of the city of Alameda, in Alameda county, California, voted for and ratified by the qualified electors of said city, at a general municipal election held therein on the 10th day of April, one thousand nine hundred and eleven.

[Filed with Secretary of State January 27, 1913.]

Alameda
charter
amend-
ments.

WHEREAS, The city of Alameda, in the county of Alameda, State of California, contains a population of over ten thousand inhabitants, and has been ever since the year one thousand nine hundred and seven and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose in manner, form and substance as required by law, and approved by the legislature of the State of California, and said charter has not been amended at any time less than two years; and

WHEREAS, The legislative body and authority of the city of Alameda, in Alameda county, California, that is to say, the council of the city of Alameda, did, by resolution and proclamation passed and adopted by said council on the 7th day of March, one thousand nine hundred and eleven, and approved by the mayor of said city subsequently thereto and on the seventh day of March, one thousand nine hundred and eleven, and pursuant to section eight of article eleven of the constitution of the State of California, duly propose to the qualified electors of the said city of Alameda, three certain amendments to the charter of the said city of Alameda, to be submitted to the said qualified electors at a general municipal election to be held in said city on the tenth day of April, one thousand nine hundred and eleven, which said amendments were and are in the words and figures following, to wit:

Amend article III, chapter II, section 7, relating to the office of auditor and assessor so that the said section shall read as follows:

Auditor.

"SEC. 7. An auditor shall be elected at the same time and in the same manner as the mayor. He shall be an elector of the city, and shall have been such for three years preceding his election. He shall hold office for four years. He shall be ex officio assessor. His compensation for acting in both capacities shall be a salary to be fixed by the council."

Amend article IX, chapter I, section 8, relating to the apportionment of moneys for use of the department of electricity, so that the said section shall read as follows:

Electric
fund.

"SEC. 8. All moneys apportioned by the council for use of the department of electricity, together with all moneys collected by the board of electricity, shall be set apart in a fund to be known as the electric fund, which fund shall be

drawn on only by order of the board of electricity except as otherwise provided in this charter; *provided*, that in making the apportionment for the expense of lighting the public streets and buildings of the city and for the cost of current for the fire alarm system and such other public use of electric current or supplies as may be required, the council shall apportion an amount adequate to meet such expense at the rates fixed therefor and the moneys so apportioned shall be paid into the general fund. Thereafter such moneys shall be subject only to transfer into the electric fund upon monthly demands to be presented by the board of electricity in the same manner as other demands and to be based upon service rendered or supplies furnished to the various departments of the city for the preceding month."

Also amend article LX, chapter I, section 14, relating to contracts for electric supplies so that the said section shall read as follows:

"SEC. 14. All contracts for supplies, materials, machinery or construction work where the amount to be expended exceeds five hundred dollars shall be advertised and awarded to the lowest bidder, except that the board may determine to reject all bids." Contracts awarded to lowest bidders.

AND WHEREAS, Said proposed amendments were, and each of them was published in a daily newspaper, printed and published in said city, and of general circulation in said city, to wit, the *Alameda Daily Argus* for twenty (20) days; and

WHEREAS, Thereafter the said council of the city of Alameda, did, by resolution and proclamation, which was duly passed and adopted by said council on the seventh day of March, one thousand nine hundred and eleven, order the holding of a general municipal election in said city of Alameda, in the county of Alameda, California, on the tenth day of April, one thousand nine hundred and eleven, (which last named day was at least twenty days after the publication of said proposed amendments for ten days in said daily newspaper of general circulation in said city of Alameda, to wit, the *Alameda Daily Argus*), and did provide in said resolution and proclamation for the submission of said proposed amendments to the said charter, to the qualified electors of said city, for their ratification at said general municipal election, which said resolution and proclamation was approved by the mayor of said city on the seventh day of March, one thousand nine hundred and eleven, and was published in the manner and for the time required by law; and

WHEREAS, Said amendments were submitted as aforesaid to the qualified electors of said city, at said general municipal election, previously duly called and thereafter held therein (at least twenty days after the publication of said proposals for ten (10) days in a daily newspaper of general circulation in said city of Alameda, to wit, in the *Alameda Daily Argus*), on the tenth day of April, one thousand nine hundred and eleven; and

WHEREAS, At such general municipal election more than a majority of the qualified electors voting thereon at such general municipal election, did vote in favor of and in favor of the ratification of and did ratify each and all of said proposed amendments to said charter; and

WHEREAS, The said council of the city of Alameda, in county of Alameda, California, at a meeting thereof held on Monday, the seventeenth day of April, one thousand nine hundred and eleven, duly canvassed the returns of said election, and duly found, determined and declared that more than a majority of such qualified electors voting thereon at said election, had voted for and ratified each and all of the said proposed amendments to said charter.

STATE OF CALIFORNIA,
 COUNTY OF ALAMEDA, }
 CITY OF ALAMEDA, } SS.

This is to certify that we, William H. Noy, mayor of the city of Alameda, and Frank E. Browning, clerk of the city of Alameda, have compared the foregoing proposed and ratified amendments to the charter of the city of Alameda with the original resolution and proclamation proposing such amendments and submitting the same to the qualified electors of said city of Alameda, at a general municipal election called for that purpose, on Monday, the tenth day of April, one thousand nine hundred and eleven, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter and the matters set forth herein, are and each of them is true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the city of Alameda to be attached, this 7th day of January, one thousand nine hundred and thirteen.

(SEAL)

W. H. NOY,
 Mayor of the City of Alameda.

FRANK E. BROWNING,
 City Clerk of the City of Alameda.

AND, WHEREAS, The said proposed amendments so ratified as hereinabove set forth have been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California. Now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), that the said amendments to the said charter of said city of Alameda, hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city of Alameda be, and the same are hereby approved as a whole for, and as amendments to said charter of said city of Alameda.

CHAPTER 3.

Senate Concurrent Resolution No. 3, approving ten certain amendments to the charter of the city of Pasadena, State of California, voted for and ratified by the electors of said city at a special municipal election held therein on the 24th day of May, 1912.

[Filed with Secretary of State January 27, 1913.]

WHEREAS, the city of Pasadena, in the county of Los Angeles, State of California, contains a population of more than thirty-five hundred inhabitants, and has been ever since the year nineteen hundred and one, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven, of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of November, A. D., nineteen hundred, and approved by the legislature of the State of California, on the twenty-ninth day of January nineteen hundred and one (Statutes of 1900-1, page 884), and

Pasadena
charter
amend-
ments.

WHEREAS, the city council of said city of Pasadena did, by ordinance No. 1217, adopted by said city council and approved by the mayor of said city on the 18th day of April, 1912, and pursuant to section 8 of article 11 of the constitution of the State of California, duly propose to the qualified electors of the said city of Pasadena, eleven certain amendments to the charter of said city of Pasadena, to be submitted to said qualified electors at a special municipal election to be held in said city on the 24th day of May, 1912; said amendment number eleven was submitted as an alternative proposition to amendment number 10; and

WHEREAS, said proposed amendments were, and each of them was published for ten (10) times in a daily newspaper, printed, published and circulated in said city of Pasadena and having a general circulation therein, to wit, the Pasadena *Daily News*, said publication beginning on the 23rd day of April, 1912, and ending on the 3rd day of May, 1912; and

WHEREAS, the city council of said city did, by ordinance No. 1218, adopted by said city council and approved by the mayor of said city on the 7th day of May, 1912, duly order the holding of a special municipal election in said city of Pasadena on the 24th day of May, 1912, said day being at least twenty days after the completion of the publication of such proposals for ten (10) times in a daily newspaper of general circulation printed, published and circulated in said city, to wit, the Pasadena *Daily News*, and did provide in said ordinance for the submission of the proposed charter amendments numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, to the qualified electors of said city for their ratification at said election; said ordinance was published for five (5) days in the Pasadena *Daily News*, a daily newspaper printed and published in said

Pasadena
charter
amend-
ments.

city of Pasadena, said publication beginning on the 8th day of May, 1912, and ending on the 13th day of May, 1912. Said ordinance specified the purpose and time of such election and established election precincts and designated the polling places therein and the names of the election officers for each of such precincts; and

WHEREAS, at said election a majority of the qualified electors voting thereon voted in favor of the ratification of, and did ratify ten of the proposed amendments to said charter; proposed amendment number 11 submitted as an alternative proposition to proposed amendment number 10 did not receive a majority of the votes of the qualified electors voting thereon; and

WHEREAS, the city council of said city of Pasadena duly met on the first Monday after the day of election, to wit, the 27th day of May, 1912, at their usual time and place of meeting and duly canvassed the returns of the said election and duly found, determined and declared that a majority of the qualified electors of said city voting thereon had voted for, and ratified ten of the said proposed amendments to the charter of said city of Pasadena, to wit: proposed amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10; and

WHEREAS, the mayor and city clerk of said city of Pasadena did, on the 19th day of December, 1912, duly certify to the submission to the electors of said city of Pasadena of said eleven proposed amendments to said charter and to the ratification of said ten of said proposed amendments, and did further certify to a copy of said proposed amendments authenticated by the seal of the said city of Pasadena, which said certificate is in words and figures following, to wit:

“STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF PASADENA. }

Certificate of Ratification of Proposed Charter Amendments to the Charter of the City of Pasadena.

The undersigned, William Thum, mayor of the city of Pasadena, State of California, and Heman Dyer, city clerk of said city, do hereby certify as follows, to wit:

That the city of Pasadena in the county of Los Angeles, State of California, contains a population of 3,500 inhabitants, and has been ever since the year 1901, and now is organized and acting under a freeholders' charter adopted under and by virtue of section 8 of article 11 of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of November, 1900, and approved by the legislature of the State of California on the 29th day of January, 1901, (Statutes of 1901, page 884).

That the city council of the city of Pasadena did, by ordinance No. 1217, adopted by the city council on the 18th day of April, 1912, and approved by the mayor of the city on the 18th

day of April, 1912, and pursuant to section 8 of article 11 of the constitution of the State of California, duly propose to the qualified electors of said city of Pasadena, certain amendments to the charter of said city, to be submitted to the qualified electors at a special municipal election to be held in said city on the 24th day of May, 1912, which said amendments were, and are in words and figures as follows, to wit:

Proposed Charter Amendment No. 1.

That the charter be amended by adding thereto a new article to be known as article No. 22 and to read as follows:

ARTICLE 22.

SECTION 1. At the general city election in April, 1913, there shall be elected five commissioners, who shall take office at noon on the first Monday in May after their election. The commissioners first elected shall so classify themselves by lot that two shall hold office for four years and three for two years, and until their respective successors are elected and qualify. Their respective successors shall hold office for four years and until their successors are elected and qualify. Said officers shall be nominated and elected at large. If any vacancy occurs in any such office, the remaining commissioners shall appoint a person to fill such vacancy during the balance of the unexpired term. Commissioners.

SEC. 2. Each commissioner shall receive a salary of three thousand dollars per annum, payable monthly, shall have an office at the city hall, and shall devote his time to the city's business. Salary.

SEC. 3. The city shall be governed by a commission consisting of five commissioners elected as herein provided, each of whom shall have the right to vote on all questions coming before the commission. Three commissioners shall constitute a quorum and the affirmative vote of three commissioners shall be necessary (and shall be sufficient) to adopt any ordinance, resolution or motion, or pass any measure unless a greater number is specifically required. Whenever more than a majority vote of the city council is required to adopt any measure, then an affirmative vote of four of the commission shall be necessary to adopt such measure. Upon every vote the yeas and nays shall be called and recorded. Every ordinance or resolution adopted by the commission must be signed by the chairman (whom the commission shall select), or by three commissioners. City governed by commission.

SEC. 4. The commission shall have and possess all legislative and judicial power had, vested in or possessed by the mayor, city council, board of commissioners, board of water commissioners, board of health and board of library trustees: also said commission and said commissioners shall have and possess and shall exercise all executive and administrative powers, functions and duties, had, vested in, possessed or exercised by, the mayor, city council, board of commissioners, board of water commissioners, board of health, and board of library trustees. Said commission and said commissioners Legislative and judicial power.

shall be the successors of the officers, bodies and boards respectively herein in this section specified. The commission shall apportion and assign the executive and administrative powers, functions and duties of the city among five departments, shall determine the powers and duties to be exercised and performed by said departments, and shall assign a commissioner to be the head of each such department. The performance of administrative or executive acts may be delegated to the departments so created.

Appoint-
ment and
removal
of officers.

SEC. 5. The commission shall have the power of appointment and removal of all officers and employees of the city (except members of the board of education), and may fix the qualifications, compensation, powers and duties of officers and employees. Until different provision is made, the offices provided for in this charter (except those offices and boards hereinafter specified, the powers and duties of which are vested in the commission and which are superseded hereby) shall continue, but the commission may at any time abolish or consolidate such offices or change the compensation, qualifications, powers and duties of the incumbents thereof and provide for other offices, boards and employees.

Construc-
tion of
article.

SEC. 6. This article shall be liberally construed to carry out the purposes hereof, and there shall be no presumption that it is not intended to change or supersede other provisions of the charter at variance or inconsistent herewith. Nothing contained in this article, however, shall affect the department of education provided for in article 16. So far as this article is inconsistent with the provisions of sections 1 and 2 of article 3, sections 1, 4, 6, 7 and 11 of article 5, and sections 1, 2, 3, 3½, 4, 5, and 6 of article 8, they shall be deemed to have been superseded hereby, to the extent of such inconsistency, but the specific reference to said sections shall not be deemed to be exclusive. This article shall go into effect for all election purposes on the day of its ratification by the legislature, and for all other purposes on the first Monday in May, 1913, upon the qualification of the commissioners first elected hereunder.

Elective
officers.

That section 1 of article 2 be amended to read as follows:

Section 1. The elective officers of the city shall be:

Five commissioners and a

Board of education, consisting of five members.

The appointive officers of the city shall be:

City treasurer, who shall be ex officio tax and license collector.

City clerk.

City attorney.

Judge of the police court.

City auditor, who shall be ex officio city assessor.

City engineer.

Superintendent of streets and such other officers as are now or may hereafter be provided for, all subject, however, to the provisions of article 22.

This section shall go into effect at once for the purpose of determining the officers to be elected at the general municipal

election in April, 1913, and for all purposes upon the election and qualification of the commissioners provided for in article 22. With the exception of the officers, boards and bodies succeeded by the commission, the present officers of the city shall continue until the commission shall make different provision.

That section 7 of article 8 be amended to read as follows:

Section 7. The enacting clause of all ordinances shall be, "The Commission of the City of Pasadena ordains as follows:".

This section shall go into effect upon the election and qualification of the commissioners provided for in article 22.

That the charter be amended by adding thereto a new article to be known as article 23, and to read as follows:

ARTICLE 23.

REFERENDUM.

SECTION 1. The commission may submit to a referendary Referendum. vote of the qualified electors of the city at any general or special election any proposed ordinance that the commission itself might adopt. If a majority of the qualified electors voting on such proposed ordinance vote in favor of the same, it shall be deemed to be adopted and shall take effect upon the declaration of the result of such election by the commission, and it shall have the same force and effect as an ordinance adopted under the provisions of this article relating to the referendum.

SEC. 2. No general penal ordinance passed by the commission in the exercise of the police power vested in the city, and no ordinance granting any franchise shall go into effect until the expiration of thirty days from its publication, except an ordinance required for the immediate preservation of the public peace, health, or safety which shall contain a specific statement showing its urgency, and which is passed by a unanimous vote of the commission, and except ordinances fixing the rates to be charged by public utilities. No grant of any franchise, however, shall ever be construed as an emergency measure but all grants of franchises shall be subject to a referendary vote as hereinafter provided. All other ordinances shall go into effect upon their publication or at such time as may be provided therein, and shall not be subject to the referendum. Penal ordinances go into effect in 30 days.

SEC. 3. At any time within the thirty days mentioned in the preceding section a petition addressed to the commission and signed by the qualified electors of said city equal in number to at least fifteen per cent of the number of votes cast at the last general municipal election, may be filed with the city clerk demanding the submission of any such ordinance passed by the commission to a vote of the qualified electors of such city. Any such petition shall be known as a referendary petition and shall contain the ordinance in full, the submission of which to a vote is thereby demanded. Such petition as to form and verification shall be governed by the provisions of section 15 of article 8. Petition.

Petition
examined.

SEC. 4. Within ten days from the date of filing a referendary petition, the city clerk shall examine and ascertain whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the commission shall allow him extra help for that purpose. He shall attach to said petition his certificate showing the result of such examination. If the petition shall be found to be sufficient, the clerk shall submit the same to the commission without delay.

SEC. 5. If the city clerk shall be unable to make a certificate to the sufficiency or insufficiency of any referendary petition within thirty days after the publication of the ordinance, the submission of which to a referendary vote is thereby demanded, such ordinance shall be suspended from taking effect within the expiration of said thirty days and until the date of the certificate of the city clerk to the sufficiency or insufficiency thereof.

Ordinance
not to go
into effect.

SEC. 6. If by certificate of the city clerk such petition is certified to be sufficient, such ordinance shall not go into effect until it shall be adopted by vote of the electors of the city, as hereinafter provided, but if by such certificate such petition is certified to be insufficient, such ordinance shall go into effect upon the date of such certificate, *provided, however*, that no such ordinance shall take effect until the expiration of the said thirty days.

Repealed
or sub-
mitted
to vote.

SEC. 7. Upon the presentation to the commission by the city clerk of a referendary petition, the ordinance, the submission of which to a referendary vote is thereby demanded, must be either repealed by the commission without delay or submitted to a vote of the qualified electors of the city for approval or rejection at the next general municipal election occurring subsequent to forty days from the date of the presentation of such referendary petition to the commission, *provided* that if before such general election, and subsequent to said forty days, a special election shall be held for any other purpose, then such ordinance shall be so submitted at such special election, or in the discretion of the commission at any special election called for that purpose.

Ballots.

SEC. 8. Whenever any ordinance is submitted to a referendary vote, as herein provided, there shall be printed on the ballots to be used at such election the words "Shall the ordinance (stating the nature of the ordinance) be adopted," and opposite such proposition to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed in separate lines in voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the ordinance, and if he shall stamp a cross (X) in the voting square after the printed word "No," his vote shall be counted against the adoption of the same. The provisions of this section shall apply where an ordinance is submitted to a

referendary election at the initiative of the commission, as provided in section 1 of this article.

SEC. 9. No ordinance that has been submitted to a referendary vote shall go into effect unless a majority of the qualified electors voting thereon shall vote in favor thereof, and if such ordinance so submitted shall receive the votes of a majority of such qualified electors voting thereon, it shall be deemed to be adopted and shall take effect upon the declaration by the commission of the result of the election at which it shall have been so submitted. *provided, however,* that any ordinance so adopted shall be subject to amendment or repeal by the commission at any time after one year from the date of its adoption by unanimous vote of the commission, but such amendment or repeal shall be subject to a referendary vote.

Should majority favor.

SEC. 10. Any number of ordinances proposed by initiative petitions, or referred by referendary petition or upon the initiation of the commission, may be voted upon at the same election, either general or special, *provided,* that there shall not be held at any period of six months more than one election called for the purpose of submitting an ordinance or ordinances proposed by initiative petitions, but if an election be called for any other purpose within said period, said ordinance or ordinances may also be submitted thereat. If the provisions of two or more ordinances adopted at the same election by vote of the qualified electors of the city conflict, then the ordinance receiving the highest affirmative vote shall prevail.

Number submitted at one election.

SEC. 11. After an election based on a referendary petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Not subject to review.

SEC. 12. This article shall go into effect upon the election and qualification of the commissioners provided for in article 22.

Proposed Charter Amendment No. 2.

That section 2 of article 19 be amended to read as follows:

SECTION 2. On the first Thursday of April, 1913, and biennially thereafter, there shall be held in the city a general municipal election at which shall be elected the successors in office of the elective officers, provided for by this charter, whose terms expire on the first Monday of May next succeeding such election, and which successors shall take office at noon on the first Monday of May after their election. *Provided, however,* that if proposed charter amendment No. 1 providing for the amendment of the charter by adding a new article to be known as article 22, be adopted and ratified, (said proposed amendment being submitted at the same time that this proposed amendment is submitted), no person shall be elected to fill the offices of city clerk or city treasurer, but said two offices shall be filled by appointment by the commissioners as provided in said article 22.

General election.

The provisions of this section shall not apply to the members

of the board of education, whose election is provided for in article 16 of this charter.

That section 3 of article 19 be amended to read as follows:

Nomina-
tion of
candidates.

SECTION 3. Candidates to be voted for at any general municipal election shall be nominated at a primary nominating election, and no names shall be printed upon the ballot for such general election other than those selected in the manner hereinafter prescribed.

That article 19 be amended by adding thereto eight sections to be known as sections 3(a), 3(b), 3(c), 3(d), 3(e), 3(f), 3(g) and 3(h) and to read as follows:

Primary.

SECTION 3(a). The primary nominating election shall be held on the third Thursday preceding such general election, unless said Thursday shall fall on a legal holiday, in which case such election shall be held on the next succeeding day. The officers of election who shall be appointed for the primary nominating election shall be, so far as possible, appointed as the officers of such general election, and such general election shall be held at the same places, so far as possible, and the polls shall be opened and closed at the same hours as may be provided for the primary nominating election.

Statement
of candi-
date.

SECTION 3(b). Any person desiring to become a candidate for any office to be filled at such general election shall at least ten days prior to the primary election file with the city clerk a statement of such candidacy in substantially the following form:

“STATE OF CALIFORNIA
COUNTY OF LOS ANGELES }
CITY OF PASADENA. } ss.

I, _____, being first duly sworn, say that I reside at _____ street in the city of Pasadena, county of Los Angeles, State of California; that I am a candidate for nomination to the office of _____ to be voted upon at the primary election to be held on the _____ Thursday of _____, 19__ and am legally qualified to fill said office, and I hereby request that my name be printed upon the primary ballots for nomination at such primary election for such office.

(Signed) _____

Subscribed and sworn to before me
this _____ day of _____, 19__.

Petition.

and shall at the same time file therewith the petition of at least twenty-five qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to the qualifications and residence, with street number of each of the persons so signing the said petition, and the said petition shall be in substantially the following form:

“*Petition Accompanying Nominating Statement.*

The undersigned, duly qualified electors of the city of Pasadena, residing at the places set opposite our respective

names, do hereby request that the name of _____ (name of candidate) be placed on the ballot as a candidate for nomination for _____ (name of office) at the primary election of _____, 19___. We further state that we know him to be a qualified elector of said city and a man of good moral character, and qualified, in our judgment, for the duties of such office.

Names of qualified electors.	Number.	Street.

Immediately upon the expiration of the time of filing the statements and petitions for candidates, the city clerk shall cause to be published at least once in a daily newspaper, published and circulated in the city, the names of the offices to be filled and of the persons as they are to appear upon the primary ballots. Publication of list.

SEC. 3(c). The city clerk shall cause ballots to be printed and numbered and bound. Each ballot shall contain the list of candidates and the respective offices as published with the following caption: Primary ballots.

“Primary Nominating Election.

CITY OF PASADENA,
(Insert date thereof.)

To vote, stamp a cross opposite the name of the candidate except when the name of the candidate is written in by voter.”

The names of the offices to be filled shall be arranged on the ballot in the order in which the officers of the city to be elected are named in this charter and the names of the candidates for each office shall be arranged on the ballot of the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or the support of any candidate.

SEC. 3(d). Each ballot shall contain a blank space underneath the printed names of each office wherein the voter can write the name of any candidate whose name is not printed on the ballot, and for whom he may wish to vote.

SEC. 3(e). The two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates and the only candidates for such office whose names shall be printed upon the ballots to be used at the general municipal election, *provided* that where more than one office of the same kind is to be filled candidates therefor equaling in number twice the number of such offices, and who received the highest number of votes at the primary nominating election shall be the candidates and the only candidates for such offices whose names shall be printed upon the ballots to be used at such general election. Two candidates receiving highest number of votes

SEC. 3(f). The ballots at such general election shall be in the same general form as for such primary nominating election so far as applicable, and without any indication as to the party affiliation, source of candidacy, or support of any candidate. (General ballots.

SEC. 3(g). The provisions of the general law of the state governing municipal elections, where the same are held separate from the general state elections, except as otherwise herein provided, shall govern in the holding of said elections.

Election
not to be
set aside.

SEC. 3(h). No election, either general or special shall be set aside for any error, irregularity or defect in the proceedings, leading up to said election or in said election when the provisions of law governing the same are substantially complied with and where a fair expression of the will of the electorate is secured.

That section 4 of article 19 be amended to read as follows:

Conduct of
elections.

SEC. 4. The conduct and carrying on of all city elections shall be under the control of the city council, and the mayor and city council shall, by ordinance, provide for the holding of all municipal elections, and may district and subdivide the municipality into municipal election precincts for the holding of municipal elections, and change and alter such precincts and redistrict the municipality for such elections as often as occasion may require. Unless the boundaries of the precincts shall be changed, as herein provided, they shall remain as fixed for the election of state and county officers at the last general election preceding the city election. Sample ballots and instructions to voters may be sent out to the registered electors entitled to vote at any municipal election but the sending of such ballots and instructions shall not be necessary, and no notice of any such election other than the publication of the ordinance calling the same shall be necessary.

That section 5 of article 19 be amended to read as follows:

Officers'
compensation.

SEC. 5. At all general city elections each of the election officers shall receive for his services the sum of \$6.00, unless the city council, by ordinance, shall provide a less amount, and at all special city elections each of the election officers shall receive for his services the sum of \$5.00, unless the city council, by ordinance, shall provide a less amount.

Proposed Charter Amendment No. 3.

That article 13 be amended to read as follows:

ARTICLE 13.

FRANCHISES.

Franchises.

SECTION 1. Plenary control over all primary and secondary uses of its streets and other public places is vested in the city. Franchises may be granted to persons, firms or corporations, upon such terms, conditions, restrictions or limitations as may be prescribed by the city council by ordinance, but no franchise shall be granted without reserving to the city adequate compensation for the privilege conferred, nor shall any franchise be granted for a longer period than (20) years, unless there be reserved to the city the right to take over at any time the works, plant and property constructed under the grant at their physical valuation and without compensation for franchise or good will. The city council may by ordinance adopted by unanimous vote of all its members provide a method

whereby franchises may be granted and from time to time in like manner change the method so provided. Until such provision is made the method provided by the general laws of the state shall apply.

Proposed Charter Amendment No. 4.

That subdivision second of section 10 of article 8 be amended to read as follows:

Subdivision Second—To make and pass all ordinances, resolutions and orders not repugnant to the constitution of the United States, or of the State of California, or to the provisions of this charter, necessary for the municipal government and the management of the affairs of the city, for the execution of the powers vested in the city and for carrying into effect the provisions of this charter. The power of the city council, however, to enact general penal ordinances (except rate ordinances) in the exercise of the police power vested in the city shall be limited to the months of September and March of each year, *provided, however*, such ordinances may be passed at other times by unanimous vote of all members of the city council when imperatively demanded for the immediate preservation of the public peace, health or safety. The limitation herein made upon the power of the city council shall be confined strictly to the ordinances last referred to and shall not apply to the enactment of other ordinances which the city council is empowered to enact.

Power to
make ordi-
nances.

Proposed Charter Amendment No. 5.

That section 3 of article 1 be amended by adding thereto a new subdivision to be known as subdivision twenty-fifth and to read as follows:

Subdivision Twenty-fifth—To join with one or more other municipal or public corporations for the purpose of the acquisition, construction, ownership, operation, control or use, within or without, or partly within and partly without the city, of public utilities, parks or of works or property for the disposition of garbage, sewage, storm water, or refuse matter, upon such terms and conditions and to the extent provided for by general law or by ordinance, and to incur bonded indebtedness for such purposes; *provided* that the city shall not so join for any such purpose or purposes without the assent of a majority of the qualified electors of the city voting on the question at a general or special election at which such question may be submitted.

Join other
cities in use
of public
utilities.

Proposed Charter Amendment No. 6.

That subdivision 16 of section 10 of article 8 be amended to read as follows:

Sixteenth—To regulate the construction of and the material used in all buildings, chimneys, stacks, and other structures: to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to prescribe the depth of cellars and basements, the materials used in

Regulation
of building
construc-
tion.

and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in and the thickness and construction of party walls, partition and outside walls, the thickness and construction of chimneys, the construction and character of bathrooms, water-closets, privies and vaults, the manner and materials used in wiring buildings or other structures for the use of electricity for lighting, power or other purposes, and the manner and materials used for piping buildings or other structures for the purpose of supplying same with water and gas; to prohibit the construction of buildings and structures which do not conform to such regulations.

This subdivision shall not and nothing in this charter shall be taken or construed as exempting or withdrawing any public school buildings from regulations made by the city council pursuant to this and other similar grants of power, but such buildings and the electrical wiring and plumbing installation therein shall be subject to any such regulations equally and to the same extent as other buildings.

Proposed Charter Amendment No. 7.

That article 12 be amended by adding thereto a new section to be known as section 10(a) and to read as follows:

Promo-
tion, etc.,
fund.

SEC. 10(a). The council shall appropriate in the aggregate during each year not less than five thousand dollars (\$5,000.00) or more than fifteen thousand dollars (\$15,000.00) to be expended for promotion, publicity and entertainment purposes.

Proposed Charter Amendment No. 8.

That article 12 be amended by adding thereto a new section to be known as section 10(b) and to read as follows:

Care of
sick.

SEC. 10(b). The council shall appropriate in the aggregate during each year not less than five thousand dollars (\$5,000.00) or more than ten thousand dollars (\$10,000.00) to be expended for the care of the sick and helpless.

Proposed Charter Amendment No. 9.

That article 15 be amended by adding two sections to be known as section 11 and section 12 and to read as follows:

Juvenile
offenders.

SEC. 11. The council shall have power to provide for the separate detention and trial of, and a probation system for, juvenile offenders against municipal ordinances and also all juvenile offenders in all cases of other offenses of which this court has jurisdiction.

Parole.

SEC. 12. The judge may in his discretion, upon good cause shown, grant a parole during good behavior to any person convicted in this court; *provided*, that said parole so granted may be revoked at any time by the judge within six months after the granting of the same, and the sentence imposed against such person shall thereupon be carried into execution.

Proposed Charter Amendment No. 10.

That article 14 of the charter be amended to read as follows:

ARTICLE 14.

ALCOHOLIC LIQUORS.

SECTION 1. No person, either as principal, agent, servant, ^{Alcoholic} or employee, shall open, establish, keep, maintain or carry on ^{liquors.} within the corporate limits of Pasadena any tippling house, dram shop, cellar, saloon, bar, barroom, sample-room, buffet or other place where spirituous, vinous, malt or other alcoholic liquors are sold or given away; *provided, however,* that it shall be lawful:

(a) For any hotel having at least one hundred (100) sleeping rooms, to furnish such liquors in its dining-rooms, with its regular service of meals, to its bona fide registered guests (except minors); except as permitted by the following subdivision, no resident of Pasadena shall be deemed a bona fide guest unless he be a permanent resident guest of such hotel.

(b) For any hotel, boarding house or restaurant under such restrictions and regulations as may be adopted by the council, to furnish vinous or malt liquors to its guests (except minors) in the dining-rooms thereof with and as a part of a regular meal costing not less than twenty (20) cents, exclusive of such vinous or malt liquors, and served and consumed between the hours of 11:30 a. m. and 2:00 p. m., and between the hours of 5:30 p. m. and 8:00 p. m., and at no other time or place.

(c) For any regularly licensed druggist (1) to sell such liquors upon the written prescription of a practicing physician regularly licensed in the state of California, and (2) to sell alcohol for scientific and mechanical uses.

SEC. 2. The city council shall have power to grant a permit to any person to furnish liquors as provided in section 1 hereof, and may revoke any such permit when the person to whom it has been granted shall have been proven to such council guilty of a violation of any of the provisions of this article or the ordinances adopted pursuant thereto, or shall have been convicted in any court of competent jurisdiction of such violation. Such permit shall be issued without charge, and without it, no person shall engage in the business of selling or furnishing liquor.

SEC. 3. It shall be lawful to deliver any such liquors to the hotel, boarding house, restaurant or drug store for which a permit has been issued, or to any resident at his home, provided that such liquors shall be delivered in receptacles effectively concealed from view, in vehicles without any advertisement thereof or any mark or designation of any manufacturer thereof; any other delivery shall be unlawful.

SEC. 4 Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable for a first offense by a fine of not

more than five hundred dollars (\$500), nor less than one hundred dollars (\$100) at the discretion of the court in which such conviction is had; and for any subsequent conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500) nor less than two hundred dollars (\$200) and by imprisonment for not more than six (6) months nor less than ninety (90) days.

SEC. 5. All provisions of ordinance No. 1157 prohibiting sales to minors, soliciting, advertising, screens and pool room connections and regulating the filing and inspection of prescriptions not in conflict herewith are continued in full force and effect.

Proposed Charter Amendment No. 11 alternate to the foregoing Charter Amendment No. 10.

That article 14 of the charter be amended to read as follows:

ARTICLE 14.

ALCOHOLIC LIQUORS.

Alcoholic
liquors

SECTION 1. No person, firm, association or corporation, either as principal, agent, or servant shall open, establish, keep, maintain or carry on within the city of Pasadena, any tippling house, dramshop, cellar, saloon, bar, barroom, sample-room, grill, buffet, club, clubroom, clubhouse or social club or bona fide social club or other place, where spirituous, vinous, malt or other alcoholic or intoxicating liquors, are manufactured, sold, distributed, divided, delivered, handed out, purveyed or given away, or solicit any person, firm, association or corporation to purchase or sell any such liquors, or take or receive any orders for the purchase or sale of intoxicating liquor from any person, firm, association or corporation; *provided* that this section shall not apply to the use of wine for sacramental purposes nor to the sale of such liquors by regularly licensed pharmacists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California nor to the sale by such pharmacists of alcohol for mechanical or scientific uses, both said exceptions being subject to such regulations as may be adopted by the city council or by the electors of said city by a majority vote of those voting at any general or special election at which the proposition may be submitted.

SEC. 2. The delivery within the city of Pasadena, of any such intoxicating liquors to any person, firm, association or corporation by any person, firm, association or corporation or their agents or servants, (except in original packages from points without this state direct to the consumer until the United States shall permit the prohibition by states or municipalities of the shipment of such liquors from points in one state to points in another, and except to regularly licensed pharmacists as provided in section 1 hereof) is prohibited.

SEC. 3. No person, firm, association or corporation shall

permit any building, tenement, or place owned by him or them or under his or their control in said city, to be used in violation of any of the provisions of this article. Alcoholic liquors.

SEC. 4. No person, firm, association or corporation shall publish, post, show or display any sign, card, notice, billboard or other device of any nature or character at any place in said city advertising for sale or gift any such liquor.

SEC. 5. Any person either as principal, agent or servant violating any provision of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500), and not less than one hundred dollars (\$100), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had, for the first offense, and upon a second or any subsequent conviction, shall be punished by a fine of not more than five hundred dollars (\$500) nor less than two hundred dollars (\$200) and imprisonment for not more than six (6) months and not less than fifteen (15) days.

That thereafter, the city council of said city, by ordinance known as ordinance No. 1218, which was duly adopted on the 7th day of May, 1912, and approved by the mayor on the 7th day of May, 1912, duly called a special election in said city of Pasadena for the 24th day of May, 1912, which said last mentioned date was at least 20 days after the completion of the publication of such proposed amendments for ten times in a daily newspaper of general circulation, printed, published and circulated in said city, and said ordinance did specify the purpose and time of such election and establish the election precincts and designated the polling places therein and the names of the election officers for each of such precincts, which said ordinance was duly published for five (5) times in a daily newspaper of general circulation, printed, published and circulated in said city, to wit, the Pasadena *Daily News*.

That at such special election a majority of the qualified electors voting thereon, voted in favor of the ratification, and did ratify said proposed amendments numbered 1 to 10 inclusive. Said proposed amendment No. 11 submitted as an alternative proposition to said proposed amendment No. 10 did not receive a majority of the votes of the qualified electors voting thereon, and was not ratified by said voters. The votes cast for and against said proposed amendments respectively, were as follows:

<i>Charter Amendment No. 1.</i>		Vote
Yes	-----	5647
No	-----	2286
<i>Charter Amendment No. 2.</i>		
Yes	-----	6532
No	-----	981

	<i>Charter Amendment No. 3.</i>	
Vote.	Yes -----	6203
	No -----	963
	<i>Charter Amendment No. 4.</i>	
	Yes -----	5877
	No -----	1118
	<i>Charter Amendment No. 5.</i>	
	Yes -----	6422
	No -----	1036
	<i>Charter Amendment No. 6.</i>	
	Yes -----	5385
	No -----	2253
	<i>Charter Amendment No. 7.</i>	
	Yes -----	4443
	No -----	3508
	<i>Charter Amendment No. 8.</i>	
	Yes -----	6678
	No -----	1325
	<i>Charter Amendment No. 9.</i>	
	Yes -----	7009
	No -----	722
	<i>Charter Amendment No. 10.</i>	
	Yes -----	5234
	No -----	4979
	<i>Charter Amendment No. 11.</i>	
	Yes -----	4809
	No -----	5325

That the city council of said city of Pasadena at a regular meeting thereof held on Monday, May 27th, 1912, duly canvassed the returns of said election and duly found, determined and declared a majority of such qualified electors voting thereon had voted for and ratified said proposed amendments numbered 1 to 10 inclusive, and had not ratified said proposed amendment No. 11 submitted as an alternative proposition to said proposed amendment No. 10. That we have compared the foregoing proposed and ratified amendments with the original ordinance proposing said amendments and find that they are correct.

In witness whereof, we have hereunto set our hands and affixed the corporate seal of the city of Pasadena, this 19th day of December, 1912.

(SEAL).

WILLIAM THUM,
Mayor of the City of Pasadena.
HEMAN DYER,
City Clerk of the City of Pasadena."

and,

WHEREAS, the said ten proposed amendments so ratified as hereinbefore set forth, have been duly presented and submitted to the legislature of the State of California for approval or

rejection without power of alteration or amendment, in accordance with section 8 of article 11 of the constitution of the State of California, now therefore, be it

Resolved by the senate of the State of California, the assembly concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), that the ten proposed amendments to the city charter of the city of Pasadena, designated as proposed amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, hereinabove set forth, as presented and submitted to, and adopted and ratified by the qualified electors of said city, be, and the same are hereby approved as a whole, for and as amendments to the city charter of the city of Pasadena.

CHAPTER 4.

Senate Concurrent Resolution No. 6, approving seven certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a special municipal election held therein on the tenth day of December, 1912.

[Filed with Secretary of State January 27, 1913.]

WHEREAS, The city and county of San Francisco, State of California, contains a population of over four hundred and sixteen thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred, and is now organized and acting under a freeholders' charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (Statutes of 1899, page 241), and which charter was not amended within an interval of two years immediately prior to the tenth day of December, one thousand nine hundred and twelve; and

San Francisco charter amendments.

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco, thirty-seven certain amendments to the charter of said city and county of San Francisco by the submission of thirty-seven proposals; and,

WHEREAS, Said thirty-seven proposals aforementioned containing said proposed amendments to said charter were, in accordance with the provisions of section eight of article eleven of the constitution of the State of California, published for ten days after their passage in the *Daily Journal of Commerce*, a daily newspaper of general circulation printed, published

San
Francisco
charter
amend-
ments.

and circulated in the city and county of San Francisco and the official newspaper of said city and county; and

WHEREAS, The said legislative authority of said city and county did by Ordinance No. 2085 (new series) of the board of supervisors, approved November 19, 1912, call a special municipal election to be held in the city and county of San Francisco, on the tenth day of December, one thousand nine hundred and twelve, which ordinance did specify the purpose and time of said election, did establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct, and which ordinance was prior to such election published five times in a daily newspaper published and circulated in said city and county and which ordinance ordered placed upon the ballot at said election, the said thirty-seven several proposals to amend the charter of the city and county of San Francisco; and

WHEREAS, Said special municipal election was held in said city and county of San Francisco, on the tenth day of December, one thousand nine hundred and twelve, which day was more than twenty days and less than forty days after said proposed charter amendments had been published for ten days in the *Daily Journal of Commerce* newspaper; and

WHEREAS, On the sixteenth day of December, one thousand nine hundred and twelve, and thereafter at meetings duly convened in accordance with law, the board of supervisors of said city and county duly and regularly canvassed the returns of said special municipal election, and duly declared the results thereof, said board being by law authorized to conduct, manage and control the holding of said elections and all matters pertaining to such elections in said city and county; and

WHEREAS, At said special election so held on the tenth day of December, one thousand nine hundred and twelve, seventeen of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit: Charter amendments numbered one, two, three, thirteen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-six, thirty, thirty-one, thirty-two, thirty-six, and thirty-seven, and that all other amendments received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, Thereafter, to wit, on the thirtieth day of December, one thousand nine hundred and twelve, the said board of supervisors duly filed in the clerk's office of said board, the "official statement of votes polled at the special election held in the city and county of San Francisco, State of California, on Tuesday, the tenth day of December, A. D. 1912, for charter amendments;" and

WHEREAS, Seven of the said seventeen charter amendments so ratified by the electors of the city and county of San Francisco, are now submitted to the legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with section eight of

article eleven of the constitution of the State of California, and are in words and figures as follows, to wit:

CHARTER AMENDMENT No. 1.

That a new section be added to chapter II of article II of the charter, to be known as section 10 and to read as follows:

SECTION 10. The board of supervisors may acquire land in the district bounded by Market street, Golden Gate avenue and Franklin street, for the purpose of establishing a civic center, and when it appears to the advantage of the city and county so to do it may acquire land in excess of the actual requirements, and may dispose of any such excess in exchange for other lands within such district or for the purpose of acquiring additional lands or for the erection of structures thereon. It may convey to the State of California a parcel of land in such district for the purpose of the erection of a state building thereon and in consideration therefor may receive from the state any parcel of land in such district now owned by the state; and with the consent of the board of trustees of the public library and reading rooms it may exchange parcels of land with the said board of trustees, and upon such exchange said board of trustees is hereby authorized to relinquish control of such land as may have been heretofore set apart for its use. It may authorize the erection of an auditorium by the Panama-Pacific International Exposition Company, or of an opera house, museum, or other structure; *provided*, the ownership of such structure shall always be vested in the municipality.

CHARTER AMENDMENT No. 2.

To amend section 1 of chapter II of article II by adding a new subdivision to section 1, to be numbered 37, to read as follows:

37. The board of supervisors shall pass such ordinances governing the use and closing of streets, the erection, use, alteration, demolition and control of buildings and structures of every nature and description; the installation, use and control of plumbing, water, gas, steam, sewerage and other pipes and instrumentalities; the use and control of electric light, power, and other wires, conduits, generating, transmitting and other apparatus; the erection and maintenance of steam boilers, steam, gas, and other engines and apparatus; the maintenance and control of fire and police protection, and governing any and every other matter necessary, proper or expedient for the safety, convenience and welfare of the public within that portion of the city and county of San Francisco which has been or may be selected as the site for the holding of the Panama-Pacific International Exposition. The provisions hereof, and the ordinances adopted hereunder, shall supersede all conflicting provisions of this charter, and all conflicting provisions of any ordinance heretofore passed, so far as the same apply to the site herein specified, until the first day of January, 1917; *provided*, that no ordinance passed by virtue of any provision

Civic center.

Power to pass all regulations necessary in government of exposition site.

herein contained shall be operative outside of the limits of the site hereinabove specified.

To amend article XIV by adding thereto a new section to be known as section 13, and to read as follows:

Control of
Lobos
square.

SECTION 13. Notwithstanding anything in this article contained, the board of park commissioners are hereby authorized and directed to transfer to the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California March 22, 1910), the exclusive possession, use, management and control of Lobos square, such management, control, possession and use to be for the purposes of the Panama-Pacific International Exposition and to terminate not later than one year after the closing of such exposition.

CHARTER AMENDMENT No. 18.

That sections 1, 2 and 14 of chapter III of article VI be amended so as to read as follows:

Power to
widen,
close, etc.,
streets.

SECTION 1. Whenever the public interest or convenience may require, the supervisors shall have full power and authority to order the extending, widening, straightening or closing up, in whole or in part, of any street, avenue, lane, alley, court or place within the city and county and shall have further full power and authority to order the opening of any new street, avenue, lane, alley, court or place within the city and county, and to condemn and acquire any and all lands and property necessary for any of the foregoing purposes, and shall have further full power and authority to order to be done in the same proceeding and as a part thereof any and all street work and street improvement in and on any street, avenue, lane, alley, court or place which the supervisors shall, under the powers conferred upon said supervisors in this chapter and article, order to be extended, widened, straightened or opened.

Costs.

The cost, damage and expense of such opening, extending, curving, straightening and closing up of any street, avenue, lane, alley, court or place and of said street work and street improvement may be assessed in whole or in part on property benefited or may be paid in whole or in part out of the revenues of the city and county. Two or more streets, avenues, lanes, alleys, courts or places laid out in pursuance of one general plan may be opened under one proceeding, and all street work and street improvement therein and thereon may be done under the same proceeding and the property benefited may be assessed according to the benefit from such general plan for the cost, damage and expense thereof. The supervisors are further empowered to provide by ordinance or ordinances, passed by twelve members of the board, the procedure for fully and completely exercising the powers conferred in this section and the procedure provided for in the following sections of this chapter shall not be deemed exclusive. In such ordinance or ordinances if said board deems it expedient, provision may be made for the payment of any assessment levied in pursuance of the provisions thereof in annual installments covering a

term not to exceed ten years upon such conditions as to such board may seem reasonable and just, the rate of interest to be made on such payments not to exceed seven per cent per annum. Or the supervisors may by resolution, as in the following sections provided, declare that any such opening, extending, widening, straightening or closing up of any street, avenue, lane, alley, court or place and said street work and street improvement shall be done or made in the manner and in accordance with the following provisions of this chapter or as said provisions may be hereafter amended; in which case the proceedings set out in the following sections of this chapter shall be taken and had.

SEC. 2. Before ordering such opening, extending, widening, straightening or closing up of any street, avenue, lane, alley, court or place and said street work and street improvement to be made or done the board of supervisors shall pass a resolution declaring their intention so to do and further declaring that the same shall be done or made in the manner and in accordance with the provisions of this section and the following sections of this chapter. Said resolution shall describe the same and the work to be done and the land and property deemed necessary to be taken therefor, and shall specify the exterior boundaries of the district to be affected or benefited by the improvement and work, and to be assessed to pay the damages, costs and expenses thereof. In case said damage, cost and expense or any proportion thereof, is to be paid out of the revenues of the city and county the supervisors in such resolution may so declare or at any time thereafter and before the complete payment of said damages, costs and expenses, said board may declare and determine that any part or the whole thereof remaining unpaid shall be paid out of the revenues of the city and county.

Resolution
of Inten-
tion.

SEC. 14. The said board of public works shall thereafter proceed to advertise and collect the various sums delinquent and the whole thereof, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece or parcel of land separately assessed by the sale of the assessed property in the manner hereinafter specified; and after the date of said delinquency and before the time of such sale herein provided for, no assessment shall be received unless at the same time the five per cent added thereto, as aforesaid, together with the costs of advertising then already incurred, shall be paid therewith. The said property shall be sold and when sold shall be subject to redemption in the manner following, to wit:

Collection
of delin-
quent as-
sessment.

Sale of
property.

1st. The board of public works shall, within ten days from date of such delinquency, begin the publication of a list of the delinquent assessments, which list must contain a description of each parcel of property delinquent, and opposite or against each description, the name of the owner as stated in the assessment roll, and the amount of the assessment, penalty and costs due, including the cost of advertising, which last

shall not exceed the sum of fifty cents for each lot, piece or parcel of land, separately assessed. The board of public works shall append to and publish with said delinquent list a notice that unless each assessment delinquent, together with the penalty and costs thereon, is paid, the property upon which such assessment is a lien, will be sold at public auction at a time and place to be specified in the notice. The publication must be made for a period of ten days, in the official newspaper of said city and county of San Francisco. The time of sale must not be less than five days, nor more than ten days, after the expiration of the period of publication of said list, and the place of sale must be in, or in front of, the building wherein is situated the office of the board of public works.

Payment
prior to
sale.

2d. At any time after such delinquency, and prior to the sale of any piece of property assessed and delinquent, any person may pay the assessment on such piece of property, together with the penalty, and costs then due, including the cost of advertising, if such payment is made after the first publication of the list of delinquent assessments. The board of public works shall thereupon mark such assessment "paid," as hereinbefore provided.

Sale.

3d. On the day fixed for the sale the board of public works must, at the hour of ten o'clock a. m. commence the sale of the property advertised, commencing at the head of the list, and continuing in the numerical order of lots or parcels of land until all are sold; *provided*, that the board of public works may postpone or continue the sale from day to day until the property is sold. Each lot, piece or parcel of land separately assessed must be offered for sale separately, and the person who will take the least quantity of land, and then and there pay the amount of the assessment, penalty and costs due, including fifty cents to the board of public works for a certification of sale, shall become the purchaser. In case there is no purchaser, for any lot, piece or parcel of land so offered for sale, the same shall be struck off to the said city and county of San Francisco, as purchaser, and the board of supervisors shall appropriate out of the general fund of the treasury, the amount then due against the lot, piece or parcel of land, and shall order the county treasurer to place the same in the special fund for such improvement. No charge shall be made for the certificate of sale when the said city and county of San Francisco is the purchaser.

May be
sold to
city.

Certificate
of sale.

4th. After making the sale, the board of public works must execute, in duplicate, a certificate of sale setting forth a description of the property sold, the name of the owner thereof, as given on the assessment roll, that said property was sold for a delinquent assessment (specifying the improvement for which the same was made), the amount for which such property was sold, the date of sale, the name of the purchaser, and the time when the purchaser will be entitled to a deed. The board of public works must file one copy of

such certificate in its office and deliver the other to the purchaser, or if the said city and county of San Francisco is the purchaser, to the clerk of the board of supervisors, who shall file the same in his office. On the filing of the copy of such certificate in the office of the board of public works, the lien of the assessment shall vest in the purchaser, and is only divested by a redemption of the property, as in this act provided. The board of public works shall also enter on the assessment roll, opposite the description of each piece of property offered for sale, a description of the part thereof sold, the amount for which the same was sold, the date of the sale, and the name of the purchaser.

When lien vests.

5th. A redemption of any parcel of property sold for delinquent assessment may be made by any party in interest, at any time prior to the execution and delivery of a deed therefor, by paying to the board of public works the amount for which the property was sold, and in addition thereto, ten per cent thereon if paid within three months after the date of sale; twenty per cent if paid within six months; thirty per cent if paid within nine months; forty per cent if paid within twelve months, or fifty per cent if paid at any time after twelve months. When redemption is made, the board of public works shall note that fact on the duplicate certificate of sale on file in its office, and deposit the amount paid with the county treasurer, who shall credit the purchaser named in the certificate of sale with the said amount and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of assignment thereof, if any. When the said city and county of San Francisco is the purchaser, the county treasurer shall notify the clerk of the board of supervisors of the redemption, and such clerk shall thereupon cancel the certificate of sale on file in his office.

Redemption.

6th. At any time after the expiration of twelve months from the date of the sale, the board of public works must execute to the purchaser, or his assignee, on his application, if such purchaser or assignee has complied with the provisions of this section, a deed of the property sold, in which shall be recited substantially the matters contained in the certificate, also any assignment thereof and the fact that no person has redeemed the property. The board of public works shall receive from the applicant for the deed, one dollar for making such deed, unless the said city and county of San Francisco is the purchaser, in which case no charge shall be made therefor.

Deed.

7th. The deed of the board of public works shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings hereunder prior to the execution thereof, and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the necessity of the improvement and work and of the correctness of the compensation awarded for lands taken or damaged.

Deed as evidence.

8th. The board of public works shall from time to time, pay

Money col-
lected paid
to
treasurer.

over to the county treasurer all moneys collected by the board on account of any assessments made under the provisions hereof. The county treasurer shall on receipt thereof, place the same in a special fund, designating such fund by the name of the street, avenue, square, lane, alley, court or place for the widening, opening or other improvements for which the assessment was made. Payment shall be made from said fund to the parties entitled thereto upon warrants signed by the members of the board of public works. With respect to all matters provided for or prescribed by this section to be done or performed by said board of public works, the majority of said board may act.

CHARTER AMENDMENT No. 19.

That chapter VIII of article VI be amended so as to read as follows:

CHAPTER VIII.

TUNNELS, SUBWAYS, AND VIADUCTS.

Construc-
tion of
tunnels,
etc.

SECTION 1. The board of supervisors are hereby empowered to order the construction of and construct any tunnel, subway, or viaduct in, on, under or over any accepted or unaccepted open public street, avenue, lane, alley, place, or court within the city and county, or any other land of the city and county, or in, on, under or over any land or water in which and where the city and county may then have an easement or right of way therefor, and to levy the damages, cost and expenses thereof upon private property in the manner and under the procedure and powers in chapter II of this article provided for street work and street improvement. Said method of procedure shall not be deemed exclusive, but the board of supervisors may, by an affirmative vote of at least twelve of its members, adopt an ordinance which may from time to time be revised or amended, providing a method of procedure for such improvement, work and assessment and for the ascertainment and payment of damages and for the manner in which protests against such assessments and damages awarded may be heard and determined, and for the manner in which such assessment may be collected and paid and property delinquent thereunder may be sold, and for the procedure for fully and completely exercising the powers conferred in this section; and in such ordinance, if said board deems it expedient, provision may be made for the payment of any assessment levied in pursuance of the provisions thereof in annual installments covering a term not to exceed ten years upon such conditions as to the said board may seem reasonable and just, the rate of interest to be paid on such payments not to exceed seven per cent per annum.

Acquisition
of land,
etc.,
needed.

SEC. 2. The board of supervisors are hereby empowered to authorize the acquisition, by purchase or condemnation, and to acquire by purchase, or to condemn and acquire, any and all land, or any easement or right of way therein, thereon, thereunder or thereover, and any property necessary and convenient for any purpose mentioned in section 1 of this chapter, and to

levy the damages, costs and expenses thereof upon private property, in the manner and under the procedure and powers in chapter III of this article provided, for the opening, extending, straightening and closing up, in whole or in part, of any street, avenue, lane, alley, court or place. But said method of procedure shall not be deemed exclusive, but the board of supervisors may by an affirmative vote of at least twelve of its members, adopt an ordinance, which may from time to time be revised or amended, providing a method of procedure for such acquisition and for the ascertainment and payment of damages and for the manner in which protests against such assessments and damages awarded may be heard and determined, and for the manner in which such assessment may be collected and paid and property delinquent thereunder may be sold, and for the procedure for fully and completely exercising the powers conferred in this section; and in such ordinance, if said board deems it expedient, provision may be made for the payment of any assessment levied in pursuance of the provisions thereof in annual installments covering a term not to exceed ten years upon such conditions as to the said board may seem reasonable and just, the rate of interest to be paid on such payments not to exceed seven per cent per annum. Lands or property which the supervisors deem necessary to take the place of such portion of the street or streets as may be used in the construction of the tunnel, including its portals and approaches, and to restore to the street surface travel thereon are hereby declared to be necessary and convenient lands or property for the purposes mentioned in section 1.

SEC. 3. If the board of supervisors deems it expedient, the construction and acquisition mentioned in sections 1 and 2 of this chapter may be initiated and completed in one proceeding; and in exercising the power to provide by ordinance for methods of procedure hereinbefore provided for such ordinance may provide for a single procedure for the work mentioned in section 1 and the acquisition mentioned in section 2 of this chapter. Any existing ordinance providing a method of procedure for the work mentioned in section 1 of this chapter may be amended so that it may also provide a method of procedure for the acquisition mentioned in section 2 of this chapter. But the supervisors may, in any case, determine to proceed with the work mentioned in section 1 hereof and with the acquisition mentioned in section 2 hereof in separate proceedings.

Construction and acquisition may be in one proceeding.

SEC. 4. The board of supervisors may, in its discretion, order that the whole or any part of the costs and expenses of any of the work or acquisitions in sections 1 and 2 of this chapter mentioned, or the damages resulting therefrom, be paid out of the treasury of the city and county from such funds as the board of supervisors may designate. Such discretion may be exercised by the board of supervisors at any time prior to the time of making an assessment therefor. Whenever a part of such damages, cost or expense is so ordered to be paid, before the making of an assessment therefor, the board of public

Payment of expenses.

works, in making up the assessment providing for such damages, cost or expense, shall first deduct from the whole damages, cost and expense such part thereof as has been ordered to be paid out of the municipal treasury and shall assess the remainder proportionately upon the lots, parts of lots, and lands in the assessment district or districts liable to be assessed therefor.

No exclusive right to operate railroads.

SEC. 5. No person, firm or corporation shall ever be granted the exclusive right to operate a street or other railroad through, in or under any tunnel, subway or viaduct constructed or acquired under the provisions of this chapter. Two or more lines of street railways operated under different managements may use the same tunnel, subway or viaduct for the entire length thereof and for five consecutive blocks approaching each end thereof, each management paying an equal portion of the expense for the construction, maintenance and repairs of the tracks and appurtenances used by said railways jointly. The city and county in the operation of a municipal railway may use any such tunnel, subway or viaduct either singly or jointly with any privately operated railway for the entire length thereof and for any number of blocks approaching each end thereof; and in case of joint use of tracks shall pay an equal portion of the expense for the construction, maintenance and repairs of the tracks and appurtenances used by said railways jointly.

Two or more tunnels.

SEC. 6. Two or more tunnels to be constructed in pursuance of one general plan may be so constructed under one proceeding and any or all acquisitions or condemnations of lands or easements or rights of way therein and any property necessary and convenient for the same may be acquired or condemned in the same proceedings, and the property benefited may be assessed for the costs, damages and expenses thereof according to the benefit from such general plan.

CHARTER AMENDMENT No. 20.

That section 33 of chapter II of article VI be amended to read as follows:

Method of procedure not exclusive.

SECTION 33. The method of procedure in this article provided for the improvement of streets, or for the construction of tunnels, subways or viaducts and appurtenances thereto, and for the assessment of the expense thereof or any portion of such expense upon private property shall not be deemed exclusive, but the board of supervisors by an affirmative vote of not less than two thirds of the members thereof, may by ordinance substitute therefor any method of procedure in any general law of the State of California now in force and effect, or as the same may be amended or that may hereafter be enacted, providing for any such improvements in municipalities, any levying assessments for the expense or portion thereof upon private property; or the said board may by a like affirmative vote of the members thereof adopt an ordinance which may from time to time be revised or amended, providing a method of procedure for such improvement and assessment;

and in such ordinance if said board deems it expedient, provision may be made for the payment of any assessment levied in pursuance of the provisions thereof in annual installments covering a term not to exceed ten years upon conditions as to said board may seem reasonable and just, the rate of interest to be paid on such payments not to exceed seven per cent per annum. In any proceeding for the improvement of streets wherein provision is made for the payment of any assessment in annual installments, the amount of such assessment shall not be limited by the provisions contained in subdivision three of section 8 of this chapter.

CHARTER AMENDMENT No. 30.

That there is added to section 1 of chapter II, of article II, four new subdivisions to be numbered 38, 39, 40 and 41, to read as follows:

38. To provide for and regulate the purchase, storage and distribution of all supplies for the various offices and departments, and may provide for the establishment of a bureau of supplies, and the employment of a chief of such bureau, with necessary employees and salaries therefor. The bureau so established may furnish all supplies and materials required by any officer or department of the city and county. Purchase of supplies.

39. To prescribe the forms in which demands against the treasury shall be made and presented, and the forms in which warrants shall be drawn by the auditor and delivered for the payment thereof.

40. To prescribe a uniform system of accounting for the various offices and departments.

41. To prescribe forms, methods and facilities for keeping the records, documents and files in any office or department of the city and county, unless otherwise provided by general laws.

CHARTER AMENDMENT No. 31.

That section 1 of chapter III of article VIII be amended by adding a new subdivision thereto to be known as subdivision 8 and to read as follows:

8. The board shall, of its own motion, and without the filing or presentation of any complaint, have power to initiate and conduct investigations of all matters affecting or relating to affairs of the police department or the discipline of the members thereof, and for the conduct of such investigations, shall have power to take and hear testimony touching the matters under investigation, administer oaths and affirmations, and upon such investigations, and upon the trial or hearing of all matters, jurisdiction to try or hear which is given by this charter to said board, shall have power to issue subpoenas for the attendance of witnesses and the production of books, papers and documents pertinent to the matter under investigation, or to said trial or hearing. Whenever any person subpoenaed to appear and give testimony or to produce such books, papers or documents as required by such subpoena, shall refuse to Investigation of police department.

Investigation of police department.

appear or testify before said board, or to answer any questions which the majority of said board shall decide to be proper and pertinent, he shall be deemed in contempt of said board, and it shall be the duty of the president of said board to report the fact to the presiding judge of the superior court of the city and county of San Francisco, State of California, who shall thereupon issue an attachment in the form usual in said superior court, directed to the sheriff of said city and county, commanding said sheriff to attach such person and forthwith bring him before said presiding judge of said superior court. On the return of said attachment, and the production of the person attached, the said presiding judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court of the State of California. Any member of said board shall have power to issue any subpoena herein provided for.

AND WHEREAS, A certificate has been signed by the mayor and by the clerk of the board of supervisors of the city and county of San Francisco declaring that the foregoing are just, true and correct copies of the amendments so proposed, voted upon and adopted; now, therefore, be it

Approval by legislature.

Resolved by the senate of the State of California, the assembly thereof concurring, (a majority of the members elected to each house voting therefor and concurring therein), That said amendments to the charter of the city and county of San Francisco, as proposed to and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration, for and as amendments to, and as parts of the charter of the city and county of San Francisco.

CHAPTER 5.

Assembly Concurrent Resolution No. 4, approving the charter of the county of Los Angeles, State of California, which was submitted to the qualified electors of the said county and voted for and ratified by them at a general election held therein on the 5th day of November, 1912.

[Filed with Secretary of State January 29, 1913.]

Los Angeles county charter.

WHEREAS, The county of Los Angeles was, at all the times herein mentioned, and is now, a public corporation and political subdivision of the State of California; and

WHEREAS, The board of supervisors of the county of Los Angeles did, on the 19th day of March, 1912, by a vote of three fifths of all the members of the said board, adopt an ordinance, by the terms of which it was declared that the

public interest required the election of a board of fifteen freeholders under the provisions of section 7½ of article XI of the constitution of the State of California for the purpose of preparing and proposing a charter for the said county; and

Los Angeles county charter.

WHEREAS, Thereafter, to wit, on the 20th day of April, 1912, the board of supervisors of Los Angeles county did adopt an ordinance providing for the election of the said board of fifteen freeholders at a special election to be held in the said county on the 14th day of May, 1912; and

WHEREAS, Thereafter, to wit, on the said 14th day of May, 1912, a special election was held in the county of Los Angeles for the purpose of electing said board of fifteen freeholders; and

WHEREAS, Thereafter, to wit, on the 27th day of May, 1912, the result of the said special election held on the said 14th day of May, 1912, for the purpose of electing said board of fifteen freeholders was declared by the board of supervisors of Los Angeles county; and

WHEREAS, Thereafter, and within one hundred and twenty (120) days from the said 27th day of May, 1912, to wit, on the 24th day of September, 1912, the said board of fifteen freeholders did complete the preparation of a charter for the county of Los Angeles and sign the same in duplicate by a majority of the members of the said board of fifteen freeholders, and file one copy of the same in the office of the county clerk of said county, and another copy of the same in the office of the county recorder thereof; and

WHEREAS, Thereafter and within fifteen (15) days after the said 24th day of September, 1912, to wit, commencing on the 24th day of September, 1912, and ending on the 4th day of October, 1912, the board of supervisors of Los Angeles county caused the said charter to be published for at least ten times in the *Daily Tribune*, a daily newspaper of general circulation, printed, published and circulated in said county; and

WHEREAS, Thereafter, and not less than thirty (30) nor more than sixty (60) days after the said 4th day of October, 1912, to wit, on the 5th day of November, 1912, a general election was held in the State of California and in the county of Los Angeles; and

WHEREAS, The board of supervisors of Los Angeles county did, on the 15th day of October, 1912, adopt an ordinance, by the terms of which it was provided that the said charter should be submitted to the qualified electors of the said county at the said general election to be held on the 5th day of November, 1912; and

WHEREAS, The said charter was so submitted to the qualified electors of the county of Los Angeles at the general election held on the 5th day of November, 1912; and

WHEREAS, At said general election a majority of the qualified electors of the county of Los Angeles, voting thereat, did vote in favor of and duly ratified the said charter; and

WHEREAS, The board of supervisors of the county of Los

Angeles, after canvassing the returns of the said election, duly found and declared that the majority of such qualified electors, voting at said general election, had voted for and ratified the said charter; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of section 7½ of article XI of the constitution of the State of California; and

WHEREAS, The charter so ratified is in the words and figures as follows, to wit:

LOS ANGELES COUNTY CHARTER.

We, the people of the county of Los Angeles, do ordain and establish for its government this charter.

ARTICLE I.

NAME AND RIGHTS OF THE COUNTY.

Powers. SECTION 1. The county of Los Angeles, as it now exists, is a body corporate and politic, and as such has all the powers specified by the constitution and laws of the State of California, and by this charter, and such other powers as are necessarily implied.

SEC. 2. The powers mentioned in the preceding section can be exercised only by a board of supervisors, or by agents and officers acting under their authority or by authority of law or of this charter.

Name. SEC. 3. The corporate name shall be "County of Los Angeles," which must be thus designated in all actions and proceedings touching its corporate rights, properties and duties. Its boundaries and county seat shall remain the same as they now are, until otherwise changed by law.

ARTICLE II.

BOARD OF SUPERVISORS.

Board of supervisors. SEC. 4. The county of Los Angeles shall have a board of supervisors consisting of five members, each of whom must be an elector of the district which he represents, must reside therein during his incumbency, must have been such an elector for at least one year immediately preceding his election, and shall be elected by such district. Their terms of office shall be four years, each shall hold until his successor is elected and qualified, and they shall each receive a salary of \$5,000 per year payable monthly from the county treasury. They shall devote all their time during business hours to the faithful service of the public.

Districts. SEC. 5. The county is hereby divided into five supervisor districts, the boundaries of which shall be and remain as they now are until otherwise changed as provided in this charter.

General election. SEC. 6. At the general election to be held in November, 1914, supervisors shall be elected from the first and third supervisor districts, whose terms shall begin at noon on the first Monday after the first day of January, 1915, and end at noon

on the first Monday in December, 1918; *provided*, that each shall hold office until his successor is elected and qualified. At the general election to be held in November, 1916, supervisors shall be elected from the second, fourth and fifth districts, whose terms shall begin at noon on the first Monday after the first day of January, 1917, and end at noon on the first Monday in December, 1920; *provided*, that each shall hold office until his successor is elected and qualified. At each general election after November, 1916, there shall be elected, either two or three supervisors, as the case may be, for terms of four years, beginning at noon on the first Monday in December next after their election, and ending at noon on the first Monday in December, four years thereafter.

SEC. 7. The board of supervisors may, by a two-thirds vote of its members, change the boundaries of any supervisor district. No such boundaries shall ever be so changed as to affect the incumbency in office of any supervisor. Any change in the boundaries of any supervisor district must be made within one year after a general election. Change of boundaries.

SEC. 8. Whenever a vacancy occurs in the board of supervisors, the governor shall fill such vacancy, and the appointee shall hold office until the election and qualification of his successor. In such case, a supervisor shall be elected at the next general election, to fill the vacancy for the unexpired term, unless such term expires on the first Monday in December succeeding said election. Vacancies.

SEC. 9. The board of supervisors shall elect a chairman, who shall preside at all meetings. In case of his absence or inability to act, the members present must, by an order entered of record, select one of their number to act as chairman pro tem. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members shall constitute a quorum, and no act of the board shall be valid or binding unless a majority of the members concur. Chairman.
Quorum.

ARTICLE III.

GENERAL POWERS OF THE BOARD OF SUPERVISORS.

SEC. 10. The board of supervisors shall have all the jurisdiction and power which are now or which may hereafter be granted by the constitution and laws of the State of California or by this charter. Powers.

SEC. 11. It shall be the duty of the board of supervisors: Duties.

(1) To appoint all county officers other than elective officers, and all officers, assistants, deputies, clerks, attachés and employees whose appointment is not provided for by this charter. Except in the cases of appointees to the unclassified service, all appointments by the board shall be from the eligible civil service list. The board shall provide, by ordinance, for the compensation of elective officers and of its appointees, unless such compensation is otherwise fixed by this charter.

(2) To provide, by ordinance, for the number of justices of the peace and constables, to be elected and appointed,

Duties. respectively, in each township. The board may also provide, by ordinance, for the number and fix the compensation, of such other judges and inferior officers of such inferior courts as are now, or may hereafter be, provided by the constitution or by general law.

(3) To provide, by ordinance, for the number of assistants, deputies, clerks, attachés, and other persons to be employed from time to time in the several offices and institutions of the county, and for their compensation and the times at which they shall be appointed.

(4) To provide, by ordinance, for the creation of offices other than those required by the constitution and laws of the state, and for the appointment of persons to fill the same, and to fix their compensation.

(5) To require, if deemed expedient, any county or township officer, or employee, before or after entering upon the duties of his office, or service, to give bond for the faithful performance thereof, in such penal sum as may be fixed by the board.

(6) To provide, publish and enforce, a complete code of rules, not inconsistent with general laws or this charter, prescribing in detail the duties, and the systems of office and institutional management, accounts and reports for each of the offices, institutions and departments of the county.

ARTICLE IV.

COUNTY OFFICERS OTHER THAN SUPERVISORS.

Other
elective
officers.

SEC. 12. The elective county officers other than members of the board of supervisors shall be: sheriff, district attorney and assessor.

SEC. 13. At the general election to be held in November, 1914, a district attorney shall be elected, whose term shall begin at noon on the first Monday after the first day of January, 1915, and end at noon on the first Monday in December, 1916. At the same election a sheriff and assessor shall be elected, whose terms shall begin at the same time and end at noon on the first Monday in December, 1918. At the general election to be held in November, 1916, and every four years thereafter, a district attorney shall be elected, whose term shall be four years, beginning at noon on the first Monday in December following his election and ending at noon on the first Monday in December four years thereafter. At the general election to be held in November, 1918, and every four years thereafter, a sheriff and assessor shall be elected, whose terms shall be four years, beginning at noon on the first Monday in December following their election, and ending at noon on the first Monday in December four years thereafter. All elective county officers shall hold office until their successors are elected and qualified.

Appointive
officers.

SEC. 14. The appointive county officers shall be:

Auditor

Board of education, members of

Board of law library trustees, members of

Civil service commission, members of
 Coroner
 County clerk
 County counsel
 Fish and game warden
 Health officer
 Horticultural commissioner
 License collector
 Live stock inspector
 Probation committee, members of
 Probation officer
 Public administrator
 Public defender
 Purchasing agent
 Recorder
 Registrar of voters
 Road commissioner
 Superintendent of charities
 Superintendent of schools
 Surveyor
 Tax collector
 Treasurer

Such other officers as may hereafter be provided by law shall also be appointive.

The tax collector shall be ex officio license collector.

SEC. 15. All fees collected by any county officer, board or commission shall be paid into the county treasury on the first Monday of each calendar month, together with a detailed statement of the same in writing, a duplicate copy of which shall be filed with the auditor at the same time. Fees.

SEC. 16. Whenever a vacancy occurs in an elective county office other than a member of the board of supervisors, the board shall fill such vacancy, and the appointee shall hold office until the election and qualification of his successor. In such case, there shall be elected at the next general election an officer to fill such vacancy for the unexpired term, unless such term expires on the first Monday in December succeeding said election. Vacancies.

ARTICLE V.

TOWNSHIP OFFICERS.

SEC. 17. The board of supervisors must provide, by ordinance, for not less than one justice of the peace and one constable in each township, and may provide for more in townships where population and the business therein require a greater number; *provided*, that, until the board shall so provide for such justices of the peace and constables, the number of each thereof in each township shall continue as now or hereafter provided by law; *provided, further*, that if the legislature shall hereafter, instead of the system of courts of justices of the peace now established by law, substitute some other system of inferior courts, then and in that event, it shall not be compulsory upon the board of supervisors to provide Justices of the peace; constables.

any number for, and the board may discontinue the existence of all justices of the peace in the several townships, if such discontinuance be allowed by law, and the board may provide for such number of inferior judges or justices as may be necessary for the needs of the county, under such substituted system.

SEC. 18. Justices of the peace shall be nominated and elected at the times and in the manner and for the terms, now or hereafter provided by general law. Constables shall be appointed by the sheriff from the eligible civil service list.

Compensation.

SEC. 19. The compensation of justices of the peace and of constables shall be fixed by the board of supervisors, and must be by salary only, which need not be uniform for the several townships, nor proportionate to population therein. Their duties and qualifications shall be such as are now, or which may hereafter be prescribed by law, or by this charter.

Fees.

SEC. 20. All fees collected by any justice of the peace or constable shall be paid into the county treasury, on the first Monday of each calendar month, together with a detailed statement of the same in writing, a duplicate copy of which shall be filed with the auditor at the same time. The fees to be so paid into the treasury by each constable shall include all fees charged and collected by him for service of any writ or process of any court or for any act or service done or rendered by him, or which he has power or which it is his duty to do or render, in his official capacity; and every constable shall enter in the fee book kept by him all such fees charged and collected by him and pay the same into the county treasury as above provided, without deduction for any such acts or services purporting or claimed to have been done or rendered by him as a private citizen.

ARTICLE VI.

DUTIES OF OFFICERS.

County counsel.

SEC. 21. The county counsel shall represent and advise the board of supervisors and all county, township and school district officers, in all matters and questions of law pertaining to their duties, and shall have exclusive charge and control of all civil actions and proceedings in which the county, or any officer thereof, is concerned or is a party. He shall also act as attorney for the public administrator in the matter of all estates in which such officer is executor, administrator with the will annexed, or administrator, and the county counsel shall, in every such matter, collect the attorneys fees allowed therein by law and pay the same into the county treasury.

Superintendent of charities.

SEC. 22. The superintendent of charities shall be under the direction of the board of supervisors, and shall exercise a general supervision over, and enforce rules and regulations for the conduct and government of, the charitable institutions of the county. He shall perform such other duties as may be prescribed by the board of supervisors or by law.

Public defender.

SEC. 23. Upon request by the defendant or upon order of the court, the public defender shall defend, without expence

to them, all persons who are not financially able to employ counsel and who are charged, in the superior court, with the commission of any contempt, misdemeanor, felony or other offense. He shall also, upon request, give counsel and advice to such persons, in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in a reversal or modification of the judgment of conviction. He shall also, upon request, prosecute actions for the collection of wages and of other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed \$100, and in which, in the judgment of the public defender, the claims urged are valid and enforceable in the courts. He shall also, upon request, defend such persons in all civil litigation in which, in his judgment, they are being persecuted or unjustly harassed. The costs in all actions in which the public defender shall appear under this section, whether for plaintiffs or for defendants, shall be paid from the county treasury, at the times and in the manner required by law, or by rules of court, and under a system of demand, audit and payment, which shall be prescribed by the board of supervisors. It shall be the duty of the public defender, in all such litigation, to procure, if possible, in addition to general judgments in favor of the persons whom he shall represent therein, judgments for costs and attorneys fees, where permissible, against the opponents of such persons, and collect and pay the same into the county treasury.

SEC. 24. Subject to rules and regulations which shall be adopted by the board of supervisors, by ordinance, the purchasing agent shall be the buyer of furniture, fixtures, tools, supplies, materials or other articles of personal property for the county and for county, township and all other officers.

SEC. 25. Each county or township officer, board or commission shall have the powers and perform the duties now or hereafter prescribed by general law, and by this charter, as to such officer, board or commission.

ARTICLE VII.

ROAD DEPARTMENT.

SEC. 26. The board of supervisors may provide for the formation of road districts for the care, maintenance, repair and supervision of roads, highways and bridges; and for the formation of highway construction divisions for the construction of roads, highways and bridges; for the inclusion in any such district or division of the whole or any part of any incorporated city or town upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town or portion thereof proposed to be so included at an election held for that purpose; for the organiza-

Bonds.

tion, government, powers and jurisdiction of such district or division, for raising revenue therein for such purposes, by taxation, upon the assent of a majority of the qualified electors of such district or division, voting at an election held for that purpose; for the incurring of indebtedness therefor by the county, district or division for such purposes, respectively, by the issuance and sale, by the county, of bonds of the county, district or division, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the county, district or division, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; *provided*, that any such indebtedness shall not be incurred without the assent of two thirds of the qualified electors of the county, district or division, as the case may be, voting at an election held for that purpose, nor unless before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; and the procedure for voting, issuing and selling such bonds, except in so far as the same shall be otherwise prescribed in this charter, shall conform to general laws for the authorizing and incurring of bonded indebtedness by counties, so far as applicable; *provided, further*, that the construction, care, maintenance, repair and supervision of roads, highways and bridges for which aid from the state is granted shall be subject to such regulations and conditions as may be imposed by the legislature.

Road commissioner.

SEC. 27. The road commissioner, subject to such rules and regulations as shall be prescribed by the board of supervisors, shall have direction and control over all work of construction, maintenance and repair of roads, highways and bridges, other than work done under contract, and it shall be his duty to examine and inspect contract work as the same progresses and to see that the same is properly performed, and when completed to file his written approval thereof with the board of supervisors. He shall also have the control and management of all county rock quarries and gravel pits, and of all other materials, property and instrumentalities necessary for and connected with the construction, maintenance and repair of roads, highways and bridges.

ARTICLE VIII.

CONSTABULARY DEPARTMENT.

Sheriff and constables.

SEC. 28. There is hereby created a constabulary department, consisting of the sheriff and of all constables, who are hereby made *ex officio* deputy sheriffs.

SEC. 29. The sheriff shall be the head of said department, and shall so organize the same as to give the county efficient and effective police protection. Each constable shall be subject to the orders of the sheriff and must serve process within

his township, or elsewhere, when requested, and he shall also perform all the duties required of him by law.

ARTICLE IX.

CIVIL SERVICE.

SEC. 30. On or before the first day of July, 1913, the board of supervisors shall appoint three persons as members of the civil service commission, who shall so classify themselves as that one shall serve until the first Monday in December, 1915, at noon, one until the first Monday in December, 1917, at noon, and one until the first Monday in December, 1919, at noon. Before the first Monday in December of each alternate year after 1913, the board of supervisors shall appoint one person as the successor of the member of the commission whose term shall then expire, to serve for six years. Any vacancy on the commission shall be filled by the board of supervisors for the unexpired term. Each member of the commission shall serve until his successor is appointed and qualified. Not more than one member shall be an adherent of the same political party. No member shall hold any other salaried county office, nor shall he have been, within the year next preceding his appointment, an active executive officer in any political organization. Each member shall have been a resident of the county for the five years next preceding his appointment, and his name shall be upon the state and county assessment rolls at the time thereof. The board of supervisors, by a four-fifths vote of all the members, may remove a member of the commission during his term of office, but only upon stating in writing the reasons for such removal and allowing him an opportunity to be publicly heard in his own defence. The commission shall elect one of its members president.

SEC. 31. Each member of the commission shall receive a compensation of ten dollars for each meeting thereof attended by him, not to exceed five meetings in any calendar month. The commission shall appoint and fix the compensation of a chief examiner, who shall also act as secretary. This position shall be in the competitive class. The commission may appoint and fix the compensation of such other subordinates as may be necessary.

SEC. 32. For the support of the work of the commission, the board of supervisors shall annually levy and collect a tax on all taxable property in the county, at the rate of not less than one half of one cent on each one hundred dollars of assessed valuation thereof. Any part of the tax so levied for any fiscal year not expended during such fiscal year, or required to defray expenses incurred during such year, shall, on the first day of January next succeeding the end thereof, be placed in the general fund of the county.

SEC. 33. The civil service of the county is hereby divided into the unclassified and the classified service. The unclassified service shall comprise:

- (a) All officers elected by the people.

(b) In the office of the district attorney: The chief and one other deputy, one secretary, and three detectives; and special counsel and special detectives for temporary employment.

(c) In the office of the sheriff: The under-sheriff, or chief deputy. In the office of the assessor: The chief deputy.

(d) Superintendents, principals and teachers in the school system.

(e) Members of the county board of education.

(f) Members of the civil service commission.

(g) All officers and other persons serving the county without compensation.

Classified
service.

The classified service shall include all other positions now existing or hereafter created.

Rules of
service.

SEC. 34. The commission shall prescribe, amend and enforce rules for the classified service, which shall have the force and effect of law; shall keep minutes of its proceedings and records of its examinations and shall, as a board or through a single commissioner, make investigations concerning the enforcement and effect of this article and of the rules and efficiency of the service. It shall make an annual report to the board of supervisors. The rules shall provide:

(1) For the classification of all positions in the classified service.

(2) For open, competitive examinations to test the relative fitness of applicants for such positions.

(3) For public advertisement of all examinations.

Rules.

(4) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in examination. Such lists shall remain in force not longer than two years.

(5) For the rejection of candidates or eligibles who fail to comply with the reasonable requirements of the commission in regard to age, residence, sex, physical condition or who have been guilty of crime or of infamous or disgraceful conduct or who have attempted any deception or fraud in connection with an examination.

(6) For the appointment of one of the three persons standing highest on the appropriate list.

(7) For a period of probation not to exceed six months before appointment or promotion is made complete, during which period a probationer may be discharged or reduced with the consent of the commission.

(8) For non-competitive examinations for minor positions in the county institutions when competition is found to be impracticable.

Temporary
employ-
ment.

(9) For temporary employment of persons on the eligible list until list of the class covering the temporary employment is exhausted; and in cases of emergency, for temporary employment without examination, with the consent of the commission, after the eligible list has been exhausted. But no such temporary employment shall continue longer than sixty days, nor shall successive temporary appointments be allowed. Nor shall

the acceptance or refusal to accept such temporary appointment on the part of a person on the eligible list be a bar to appointment to a permanent position from said eligible list.

(10) For transfer from one position to a similar position in the same class and grade and for reinstatement within one year of persons who without fault or delinquency on their part are separated from the service or reduced.

(11) For promotion based on competitive examination and records of efficiency, character, conduct and seniority. Lists shall be created and promotion made therefrom in the same manner as prescribed for original appointment. An advancement in rank or an increase in salary beyond the limit fixed for the grade by the rules shall constitute promotion. Whenever practicable vacancies shall be filled by promotion. Promotion.

(12) For suspensions for not longer than thirty days and for leaves of absence.

(13) For discharge or reduction in rank or compensation after appointment or promotion is complete, only after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction, specifically stated, and has been allowed a reasonable time to reply thereto in writing. The reasons and the reply must be filed as a record with the commission. Discharge.

(14) For the appointment of unskilled laborers and such skilled laborers as the commission may determine in the order of priority of application after such tests of fitness as the commission may prescribe.

(15) For the establishment of a bureau of efficiency, consisting of the commission, the secretary thereof, and the auditor, for the purpose of determining the duties of each position in the classified service, fixing standards of efficiency, investigating the methods of operation of the various departments, and recommending to the board of supervisors and department heads measures for increasing individual, group and departmental efficiency, and providing for uniformity of competition and simplicity of operation. The commission shall ascertain and record the comparative efficiency of employces in the classified service and shall have power, after hearing, to dismiss from the service those who fall below the standard of efficiency established. Bureau of efficiency.

(16) For the adoption and amendment of rules only after public notice and hearing.

The commission shall adopt such other rules, not inconsistent with the foregoing provisions of this section, as may be necessary and proper for the enforcement of this article.

Sec. 35. In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competition is impracticable and that the position can best be filled by the selection of some designated person of recognized attainments, the commission may, after public hearing and by the affirmative vote of all three members of the commission, sus- May suspend competition.

pend competition, but no such suspension shall be general in its application to such positions, and all such cases of suspension shall be reported, together with the reason therefor, in the annual reports of the commission.

Examinations.

SEC. 36. All examinations shall be impartial and shall deal with the duties and requirements of the position to be filled. When oral tests are used, a record of the examination, showing basis of rating, shall be made. Examinations shall be in charge of the chief examiner except when members of the commission act as examiners. The commission may call on other persons to draw up, conduct or mark examinations and when such persons are connected with the county service it shall be deemed a part of their official duties to act as examiners without extra compensation.

Persons now in service.

SEC. 37. All persons in the county or township service holding positions in the classified service as established by this article, at the time it takes effect, whether holding by election or by appointment, and who shall have been in such service for the six months next preceding, shall hold their positions until discharged, reduced, promoted or transferred in accordance with the provisions of this article. The commission shall maintain a civil list of all persons in the county service, showing in connection with each name the position held, the date and character of every appointment and of every subsequent change in status. Each appointing officer shall promptly transmit to the commission all information required for the establishment and maintenance of said civil list.

SEC. 38. The auditor shall not approve any salary or compensation for services to any person holding or performing the duties of a position in the classified service, unless the pay roll or account for such salary or compensation shall bear the certificate of the commission that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of this article and of the rules established thereunder.

Charges.

SEC. 39. Charges against any person in the classified service may be made to the commission by any elector of the county, such charges to be in writing.

SEC. 40. In any investigation conducted by the commission, it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the investigation and each commissioner shall have the power to administer oaths to such witnesses.

SEC. 41. No person in the classified service, or seeking admission thereto, shall be appointed, reduced or removed or in any way favored or discriminated against because of his political or religious opinions or affiliations.

No assessment for political purposes.

SEC. 42. No officer or employee of the county, in the classified service, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution for any political party or political purpose whatever. No person shall, orally or by

letter, solicit, or be in any manner concerned in soliciting, any assessment, subscription or contribution for any political party or purpose whatever from any person holding a position in the classified service.

SEC. 43. No person holding a position in the classified service shall take any part in political management or affairs or in political campaigns further than to cast his vote and to express privately his opinions.

SEC. 44. Any person wilfully violating any of the provisions of this article, or of the rules established thereunder, shall be guilty of a misdemeanor.

ARTICLE X.

LABOR.

SEC. 45. In the employment of persons in the service of the county, where sex does not actually disqualify and where the quality and quantity of service is equal, there shall be no discrimination in selection or compensation, on account of sex. No sex discrimination.

SEC. 46. Eight hours shall constitute a day's work for mechanics and others engaged in manual labor in the service of the county. Hours.

SEC. 47. In fixing compensation to be paid to persons under the classified civil service, the board of supervisors shall, in each instance, provide a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons, firms or corporations under similar employment in case such prevailing salary or wage can be ascertained. Fixing wages.

SEC. 48. Every person who shall have been in the service of the county, continuously, for one year, shall be allowed a vacation of two weeks on full pay, annually. Vacation.

SEC. 49. The board of supervisors shall prohibit enforced labor without compensation as a penalty for the commission of public offenses. The net earnings of all county prisoners, based upon reasonable compensation for services performed, shall go to the support of their dependents, and if such prisoners have no dependents, such net earnings shall accumulate and be paid to them upon their discharge. Labor of prisoners.

ARTICLE XI.

RECALL.

SEC. 50. The holder of any elective or appointive county or township office may be recalled by the electors at any time after he has held his office six months. The provisions of this article shall apply to officials now in office, and to those hereafter elected or appointed. Such recall shall be effected as follows: A petition demanding the election or appointment of a successor to the person sought to be recalled shall be filed with the registrar of voters, which petition shall be signed by qualified voters equal in number to at least fifteen per cent of the entire vote cast within the county for all candidates for the office of governor of the state at the last preceding election at which a governor was elected (or at least twenty-five per cent of such Recall of officers. Petition.

vote cast within the district or township for which the officer sought to be recalled was elected or appointed. in case of an official not elected by or appointed for the county) and shall contain a statement of the grounds on which the recall is sought. No insufficiency of form or substance in such statement shall affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of occupation and residence, giving street and number or if no street or number exist, then such a designation of his residence as will enable the location to be readily ascertained. To each separate paper of such petition shall be attached an affidavit made by a qualified elector of the county, stating that the affiant circulated that particular paper and saw written the signatures appended thereto, and that, according to the information and belief of the affiant, each of said signatures is genuine, and the signature of a qualified elector of the county (or particular subdivision thereof in which such signers are hereby required to reside). Within ten days from the filing of such petition, the registrar of voters shall, from the records of registration, determine whether or not said petition is signed by the requisite number of qualified voters, and he shall attach to said petition his certificate showing such determination. If such certificate shows the petition to be insufficient, it may be supplemented within ten days from the date of the certificate by the filing of additional papers, duplicates of the original petition except as to the names signed. The registrar of voters shall, within ten days after such additional papers are filed, ascertain from the records of registration, and certify whether or not the names to such petition, including such additional papers, are still insufficient, and if insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record. The failure to secure sufficient names shall not prejudice the filing later of an entirely new petition to the same effect. If required by the registrar of voters, the board of supervisors shall authorize him to employ, and shall provide for the compensation of, persons necessary in the examination of said petition and supplementary petition, in addition to the persons regularly employed by him in his office. In case the registrar of voters is the officer sought to be recalled, the duties in this article provided to be performed by him shall be performed by the county clerk. If the petition shall be found to be sufficient, the registrar of voters shall submit the same to the board of supervisors without delay, whereupon the board shall forthwith cause a special election to be held not less than thirty-five nor more than forty days after the date of the order calling such an election, to determine whether the voters shall recall such officer. If a vacancy occur in said office after a recall petition is filed, and the office is elective, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose the recall of one or more officials and the election of successors to such thereof as are elective. Nomi-

Examina-
tion of
petition.

Special
election.

nations for any elective office under such recall election shall be made by petition in the manner prescribed by section 1188 of the Political Code. Upon the sample ballot there shall be printed, in not more than two hundred words, the grounds set forth in the recall petition for demanding the recall of the officer, and upon the same ballot in not more than two hundred words, the officer may justify himself. There shall be printed on the recall ballot, as to every officer whose recall is to be voted on, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall, by stamping a cross (X) indicate his vote for or against such recall. On such ballots, under each such question there shall also be printed, if the officer sought to be recalled be an elective officer, the names of those persons who shall have been nominated as candidates to succeed him, in case he shall be recalled at such election; but no vote shall be counted for any candidate for said office unless the voter also voted on the question of the recall of the person sought to be recalled therefrom. The name of the person sought to be recalled shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent shall vote "No," said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass the votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law. If the incumbent of an appointive office be recalled at such election, his successor shall be appointed immediately after the canvassing of the vote. Before any petition can be filed under this section for the recall of any person in the classified service of the county, there shall be presented to, and be passed upon by, the civil service commission, a complaint in writing giving the grounds for and asking the removal of such person. Such complaint must be considered and be finally acted upon by the commission within twenty days after such filing. Until such time as the board of supervisors shall appoint a registrar of voters under the provisions of this charter, the powers and duties by this section conferred upon the registrar of voters shall be exercised and performed by the county clerk. In case, at any time prior to the appointment of such registrar of voters, the county clerk shall be sought to be recalled, such powers and duties, in and about the matter of such proposed recall, shall be

Grounds for recall.

Ballot.

Candidate to succeed incumbent.

Canvass of votes.

Successor to appointive officer.

exercised and performed by some other officer or person to be designated by the board of supervisors.

ARTICLE XII.

MISCELLANEOUS.

Appoint-
ments
from eligi-
ble list.

SEC. 51. Each county or township officer, board or commission shall appoint, from the eligible civil service list, for either permanent or temporary service, all assistants, librarians, deputies, clerks, attachés and other persons in the office or department of such officer, board or commission, as the number thereof is fixed and from time to time changed by the board of supervisors; *provided*, that appointments to the unclassified service in their respective offices and departments shall be made by such officers, boards and commissions, without reference to such eligible list.

Compensa-
tion not to
be in-
creased,
etc.

SEC. 52. The compensation of any elective county or township officer shall not be increased nor diminished during the term for which he was elected, nor within ninety days preceding his election. No compensation for any position, nor of any person under civil service, shall be increased or diminished without the consent of the civil service commission specifically given thereto in writing.

Travel
expenses.

SEC. 53. Whenever any person in the service of the county is compelled to travel in the performance of his duty, he shall, in addition to his regular compensation, be reimbursed for his actual necessary expenditures for transportation, the hire of conveyances, and for lodging and meals. An itemized account of such expenditures shall be filed with the clerk of the board of supervisors and be approved by the auditor before being paid. The board of supervisors shall fix a maximum price to be paid for such lodging and meals, which shall be uniform and be made applicable to all persons alike, including members of the board of supervisors.

Not to be
interested
in con-
tract.

SEC. 54. No attorney, agent, stockholder or employee of any firm, association or corporation doing business under or by virtue of any franchise granted by, or contract made with the county, shall, nor shall any person doing such business, nor shall any person financially interested in any such franchise or contract, be eligible to or hold any appointive county office.

Not to
practice
law.

SEC. 55. The district attorney, public defender, county counsel, and their deputies, shall not engage in any private law practice, and they shall devote all their time and attention during business hours, to the duties of their respective offices.

Tenure of
present
officers.

SEC. 56. Nothing in this charter is intended to affect, or shall be construed as affecting, the tenure of office of any of the elective officers of the county or of any district, township or division thereof, in office at the time this charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected unless sooner removed in the manner provided by law: nor shall anything in this charter be construed as changing or affecting the compensation of any such officer during the term for which he shall have been elected. But the successors of

each and all of such officers shall be elected or appointed as in this charter provided, and not otherwise.

SEC. 57. This charter shall take effect at noon on the first Monday in June, 1913. We, the undersigned, members of the board of fifteen freeholders of the county of Los Angeles, in the State of California, elected at a special election held in the said county on the 14th day of May, 1912, to prepare and provide a charter for the said county, under and in accordance with section 7½ of article XI of the constitution of this state, have prepared, and we do hereby propose, the foregoing as and for a charter for said county. In effect.

In witness whereof, we hereunto sign our names in duplicate this twenty-fourth day of September, 1912.

LEWIS R. WORKS, Chairman.
 FREDERICK BAKER.
 WILLIS H. BOOTH.
 T. H. DUDLEY.
 WILLIAM A. ENGLE.
 DAVID EVANS.
 H. C. HUBBARD.
 J. M. HUNTER.
 GEO. F. KERNAGHAN.
 FRANK R. SEAVER.
 J. H. STRINE.
 CHARLES WELLBORN.

STATE OF CALIFORNIA, }
 COUNTY OF LOS ANGELES. } SS.

I, H. J. LELANDE, county clerk of the county of Los Angeles, do hereby certify that the foregoing is a full, true and correct copy of the proposed charter for the county of Los Angeles, prepared and proposed by a duly qualified board of fifteen freeholders duly elected on the 14th day of May, 1912, and that a copy of said charter was duly filed in my office on the 24th day of September, 1912, said copy having been duly signed by a majority of the members of said board, and that thereafter said proposed charter was duly published for ten times in the *Daily Tribune*, a daily newspaper of general circulation, printed, published and circulated in the county of Los Angeles, and that the first publication thereof was made within fifteen days after the date of the filing of the said charter in my office, to wit, on the 24th day of September, 1912, and that the last publication thereof was completed before the 4th day of October, 1912, and that after such publication said charter was duly submitted to the qualified electors of the county of Los Angeles at the general election held on the 5th day of November, 1912, and that at said election a majority of such qualified electors voting thereat duly ratified the same.

Certificate
of county
clerk.

In witness whereof, I have hereunto set my hand and affixed my seal this 3d day of January, 1913.

[SEAL.]

H. J. LELANDE, County Clerk,
 By A. M. McPHERSON, Deputy.

STATE OF CALIFORNIA, }
 COUNTY OF LOS ANGELES. } SS.

I, C. L. Logan, county recorder of the county of Los Angeles, do hereby certify that the foregoing is a full, true and correct copy of the proposed charter for the county of Los Angeles, prepared and proposed by a duly qualified board of fifteen freeholders, duly elected on the 14th day of May, 1912, and that a copy of said charter was duly filed in my office on the 24th day of September, 1912, said charter having been duly signed by a majority of the members of the said board.

In witness whereof, I have hereunto set my hand and affixed my seal this 3d day of January, 1913.

[SEAL]

C. L. LOGAN, County Recorder,
 By R. L. HAZEN, Deputy.

Now, therefore, be it

Approval
 by legisla-
 ture.

Resolved by the assembly of the State of California, the senate thereof concurring (the majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), That the said charter of the county of Los Angeles as presented and as submitted to and adopted and ratified by the qualified electors of the said county, and as hereinbefore set forth, be and the same is hereby approved as a whole for and as the charter of the said county of Los Angeles aforesaid.

CHAPTER 6.

Senate Concurrent Resolution No. 7, approving three (3) certain amendments to the charter of the city of Berkeley, county of Alameda, State of California, voted for and ratified by a majority of the qualified electors of the said city of Berkeley at a special municipal election held therein on the 27th day of April, 1912.

[Filed with Secretary of State January 29, 1913.]

Berkeley
 charter
 amend-
 ments.

WHEREAS, The city of Berkeley, in the county of Alameda, State of California, contains a population of over forty thousand (40,000) inhabitants, and has been ever since the year 1909, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election duly called and held for that purpose on the 30th day of January, 1909, and ratified and approved by the legislature of the State of California on the 4th day of March, 1909 (Stats. 1909, p. 1208); and

WHEREAS, The said charter of the said city of Berkeley, ratified and approved as aforesaid, has now been in force for more than two (2) years since its said adoption and approval, and has not been amended during said time, or during the two (2) years prior to the special election held as hereinafter set forth,

and no charter amendments have been submitted to the qualified electors of said city at any general or special municipal election, or at all, during said time; and

Berkeley
charter
amend-
ments.

WHEREAS, More than fifteen (15) per centum of the qualified electors of the said city of Berkeley, computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, petitioned the council of said city to submit a proposed amendment to said charter of said city to the qualified electors thereof, which said amendment was set forth in full in said petition and which said amendment is hereinafter designated and numbered Charter Amendment No. 1; and

WHEREAS, The council of said city of Berkeley, being the legislative authority thereof, also submitted three (3) other amendments to the said charter of the said city of Berkeley to the qualified electors thereof at a special election held as hereinafter set forth, which said amendments are hereinafter designated and numbered Charter Amendment No. 2, Charter Amendment No. 3 and Charter Amendment No. 4, making in all four (4) amendments to the charter of the said city of Berkeley; and

WHEREAS, The legislative authority of the said city of Berkeley did by Ordinance No. 173—N. S. of the ordinances of said city, finally adopted by the council of said city April 12, 1912, and entitled "Ordinance No. 173—N. S., providing for a special municipal election to be held on the 27th day of April, 1912, for the purpose of submitting to the electors of the city of Berkeley certain charter amendments, in accordance with the provisions of section 8 of article XI of the constitution of the State of California," and pursuant to section 8 of article XI of the constitution of the State of California duly submitted to the qualified electors of said city of Berkeley said four (4) amendments to the charter of said city of Berkeley; and

WHEREAS, Said four (4) proposed amendments to said charter were, in accordance with the provisions of section 8 of article XI of the constitution of the State of California, published for ten (10) times in the official newspaper of the city of Berkeley, to wit, *The Berkeley Independent*, a daily newspaper of general circulation printed, published and circulated in said city, and which publication of said amendments was completed not less than twenty (20) days, nor more than forty (40) days prior to the said election; and

WHEREAS, The said council of the said city of Berkeley did by Ordinance No. 173—N. S. call a special election to be held in said city of Berkeley on the 27th day of April, 1912, for the purpose of submitting to the qualified electors of the said city of Berkeley said four (4) proposed amendments to said charter; and

WHEREAS, Said election was held in the said city of Berkeley on the said 27th day of April, 1912, which day was not less than twenty (20), and not more than forty (40) days after the

Berkeley
charter
amend-
ments.

completion of the publication of said proposed amendments in the said official newspaper of said city of Berkeley; and

WHEREAS, On the second day of May, 1912, at a regular meeting of the council of the said city of Berkeley, held in accordance with law and the charter of said city of Berkeley, the said council duly and regularly canvassed the returns of said special election and duly declared the results thereof, and did duly declare and determine that three (3) of said proposed amendments, designated herein and in said Ordinance No. 173—N. S. as Charter Amendment No. 2, Charter Amendment No. 3 and Charter Amendment No. 4, had, and each of them had, been ratified by a majority of the electors voting thereon, and that said proposed amendment, herein and in said Ordinance No. 173—N. S. designated as Charter Amendment No. 1, had not been ratified by a majority of the electors voting thereon; and

WHEREAS, At said special election, so held on the said 27th day of April, 1912, three (3) of the said four (4) proposed amendments to the said charter of the city of Berkeley and designated as and being Charter Amendment No. 2, Charter Amendment No. 3 and Charter Amendment No. 4, as hereinafter set forth, were duly ratified by more than a majority of the electors voting thereon; and one (1) of said proposed amendments to said charter, designated as and being Charter Amendment No. 1, as hereinafter set forth, was not ratified by a majority of the electors voting thereon, and said proposed Charter Amendment No. 1 was not ratified at said election; and

WHEREAS, The said three (3) charter amendments, and each of them, so ratified by the electors of the city of Berkeley at said special election, are now submitted to the legislature of the State of California, being the next regular session of said legislature after said election, for approval or rejection as a whole, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California, and are in the words and figures following, to wit:

CHARTER AMENDMENT NO. 2.

Section 19 of article V of the charter of the city of Berkeley shall be amended to read as follows:

Salaries.

Salaries.—Section 19. The mayor shall receive an annual salary of \$2,400, payable in equal monthly installments. The auditor shall receive an annual salary of \$1,800, payable in equal monthly installments. Each councilman shall receive an annual salary of \$1,800, payable in equal monthly installments. Each school director shall receive five dollars for each regular meeting of the board of education which he shall attend, *provided* that no school director shall receive more than fifteen dollars in any one month; *and provided, further*, that the salary received by the commissioner of finance and revenue, as councilman, shall be full compensation for all services performed by him as councilman and as school director. All salaries pro-

vided for in this section shall be paid out of the general fund of the city.

CHARTER AMENDMENT No. 3.

Subdivision 44 of section 49 of article IX of the charter of the city of Berkeley shall be amended to read as follows:

Opening,
etc.,
streets.

Street Opening.—(44) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court or public place within the city or over tidelands and lands covered by the waters of San Francisco bay within the city, and to condemn and acquire any and all property necessary or convenient for that purpose. Whenever, in the judgment of the council or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that all the duties of the commissioners shall be performed by the commissioner of public works, and all clerical work shall be performed by the superintendent of streets, who shall receive no compensation therefor other than the salaries of their respective offices.

CHARTER AMENDMENT No. 4.

Section 57 of article X of the charter of the city of Berkeley shall be amended to read as follows:

Limit of Tax Levy.—Section 57. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city. The council, if requested by the board of education, shall in addition to the tax for municipal purposes levy a tax for the adequate support of the public schools, such levy not to exceed thirty-five cents on each one hundred dollars of the assessed value of all real and personal property within the city.

Limit of
tax levy.

STATE OF CALIFORNIA, }
COUNTY OF ALAMEDA. } SS.

This is to certify that we, J. Stitt Wilson, mayor of the city of Berkeley, and W. J. Seaborn, city clerk of said city and ex officio clerk of the council of said city, have compared the foregoing proposed and ratified amendments to the charter of said city of Berkeley with the original ordinance No. 173—N.S. proposing said amendments, respectively, and submitting them to the qualified electors of said city of Berkeley at a special municipal election held April 27th, 1912, and with the proceedings of the council of said city on file in the office of the said city clerk relating to the adoption of charter amendments, and find and hereby certify that the foregoing contains and is a full, exact, true and correct copy of said charter amendments to the charter of said city of Berkeley, and of each of them; and we further certify that the facts set forth in the

preamble in this certificate preceding said amendments to said charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the official seal of said city of Berkeley this 16th day of January, 1913.

J. STITT WILSON,

Mayor of the City of Berkeley.

[SEAL]

W. J. SEABORN,

City Clerk of the City of Berkeley
and ex officio Clerk of the Council
of the City of Berkeley.

Approval
by legis-
lature.

Now, therefore, be it resolved by the senate of the State of California, the assembly thereof concurring (a majority of all the members elected to each house voting for and concurring therein), That said amendments to the charter of the city of Berkeley, as proposed to and adopted and ratified by the electors of said city of Berkeley, and as hereinbefore fully set forth, be, and the same are, and each of them is, hereby approved as a whole, without amendment or alteration, for and as amendments to, and as part of the charter of the city of Berkeley.

CHAPTER 7.

Assembly Joint Resolution No. 5, a joint resolution ratifying an amendment to the constitution of the United States, proposed by the congress of the United States, relative to the election of United States senators in congress.

[Filed with Secretary of State February 3, 1913.]

Amend-
ment to
United
States
consti-
tution; elec-
tion of
senators.

WHEREAS, The senate and the house of representatives of the United States of America, in congress assembled, have adopted house joint resolution No. 39, (two thirds of each house concurring therein) proposing an amendment to the first paragraph of section 3, article I, of the constitution of the United States, and in lieu of so much of paragraph two of the same section as relates to the filling of vacancies, as follows: "The senate of the United States shall be composed of two senators from each state, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature. When vacancies happen in the representation of any state in the senate, the executive authority of such state shall issue writs of election to fill such vacancy; *provided*, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct. This amendment shall not be so construed to affect the election or term of any senator chosen before it becomes valid as part of the constitution." and

WHEREAS, Said amendment will be valid, to all intents and purposes, as part of the constitution of the United States of

America when ratified by the legislatures of three fourths of the several states. Now, therefore, be it

Resolved by the legislature of the State of California at its ^{Ratified.} *fortieth regular session, commencing on the 6th day of January, 1913, a majority of all the members elected to each house of said legislature voting in favor thereof, that the said amendment be, and the same is, hereby ratified.*

CHAPTER 8.

Assembly Joint Resolution No. 8, relative to protecting from fire the forested watersheds of navigable streams and requesting the California congressional delegation to use their efforts in securing an additional appropriation under the terms of the Weeks law, known as chapter 186 of volume 36, part 1, U. S. Statutes at Large.

[Filed with Secretary of State February 3, 1913.]

WHEREAS, The sixty-first congress recognized the duty of the federal government to protect from fire the forested watersheds of navigable streams, through promoting forest protection by the states and private owners, in the passage of the Weeks law, known as chapter 186 of volume 36, part 1, U. S. Stats. at Large; and ^{Protection from forest fires.}

WHEREAS, Under the provisions of section 2 of the said law, the state must have provided by law for a system of forest fire protection; and the federal expenditure in any state must not exceed in any federal fiscal year the amount appropriated by the state for the same purpose; and

WHEREAS, It appears that the appropriation made for such co-operation is practically exhausted; now, therefore, be it

Resolved by the assembly of the State of California and the senate, jointly, ^{Additional appropriation under Weeks law favored.} *That the California congressional delegation be and they hereby are, requested to use their best efforts to obtain an additional appropriation to be expended by the secretary of agriculture under the terms of the Weeks law in the protection of forested watersheds of navigable streams.*

Be it further resolved, *That a copy of this joint resolution be sent to the secretary of agriculture of the United States.*

CHAPTER 9.

Assembly Joint Resolution No. 10, relative to Irish home rule.

[Filed with Secretary of State February 3, 1913.]

WHEREAS, After years of adversity, work and hope, but never of despair, on the part of the Irish nation, the British house of commons recently passed the Irish home rule bill, thereby recognizing the eternal truth that an intelligent ^{Irish home rule.}

people should be sovereign in governmental affairs which concern themselves; and

WHEREAS, It is meet that on the great occasion of the granting of Irish home rule that the fairest of all free states, California, should extend its hearty congratulations to the Irish people, and to the British house of commons which granted the same; therefore, be it

Congratu-
lations.

Resolved by the assembly of the State of California and the senate, jointly, constituting the legislature of the State of California, That we hereby extend on behalf of the state, our hearty congratulations to the Irish people on their increased assumption of powers and responsibilities, and to the British nation for the act of frank justice rendered.

Resolved, That the governor of California be and he is hereby requested to transmit a certified copy of these resolutions to the Hon. John E. Redmond, leader of the Irish party, and to Premier Asquith of the British parliament.

CHAPTER 10.

Senate Concurrent Resolution No. 15, relative to the adjournment of the legislature for the constitutional recess and to the reassembling of the legislature after said recess and fixing the date for said adjournment and said reassembling.

[Filed with Secretary of State February 3, 1913.]

Adjourn-
ment for
constitu-
tional
recess.

WHEREAS, Section 2 of article IV of the constitution of the State of California requires that, after the legislature has been in session for a period not exceeding thirty days, a recess must be taken by both houses for a period of not less than thirty days; therefore, be it

Resolved by the senate and assembly concurring, That the fortieth session of the legislature of the State of California shall adjourn for said recess at twelve o'clock noon on Tuesday, February 4, 1913, and shall reassemble at the hour of twelve o'clock noon on Monday, March 10, 1913.

CHAPTER 11.

Senate Joint Resolution No. 6, relative to recognition by the United States of the republic of China.

[Filed with Secretary of State February 4, 1913.]

Republic
of China.

WHEREAS, The progressive example set by the fathers of the republic followed by many of the nations of the new world and some of those of Europe, has favorably influenced the former great Asiatic empire of China and established in lieu thereof the republic of China; and

WHEREAS, The citizens of the State of California congratulate the people of China upon their successful efforts in secur-

ing self-government and wish them success in the great undertaking; and

WHEREAS, The United States of America ever ready to encourage the growth of free institutions based upon the right of the people to govern themselves should welcome the new republic in the family of nations; therefore be it

Resolved by the senate, the assembly concurring, That the legislature of the State of California respectfully urges the recognition of the republic of China by the United States; be it further Recognition urged.

Resolved, That our senators in congress be instructed and our representatives in congress requested, to use all honorable means to accomplish the object of these resolutions and that duly authenticated copies hereof be transmitted by the governor of the State of California to the president and also the president-elect of the United States, to the presiding officers respectively of the sixty-second and sixty-third sessions of congress of the United States and to each of our senators and representatives in said sessions of congress.

CHAPTER 12.

Senate Joint Resolution No. 7, relative to the proposed restriction of the mint and assay service by the United States and protesting against the same.

[Filed with Secretary of State February 4, 1913.]

WHEREAS, The secretary of the treasury, in his annual report, has again renewed his efforts to restrict the operation of the mint and assay service by urging the abolition of all the federal assay offices which are located at strategic entrepôts in the principal gold-mining districts of the west; and Mint and assay service.

WHEREAS, The fact is well known by the miners of California and of the states wherein the United States mints and assay offices are located that these public bullion-buying agencies render a high economic service in protecting the producers of the precious metals; therefore be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California respectfully urges the congress of the United States to oppose the closing of the federal assay offices and the restriction of the functions of the mint and assay service; and urges the senators and representatives of this state in congress to oppose all efforts to this end; be it further Legislature opposes closing of offices.

Resolved, That the governor of the State of California transmit authenticated copies of these resolutions to the president of the United States, and the president-elect of the United States and the respective presiding officers of the sixty-second and sixty-third sessions of the congress of the United States, and to each of our senators and representatives in congress, for said sessions.

CHAPTER 13.

Senate Joint Resolution No. 8, relative to house bill No. 13500, by Congressman John E. Raker, of California, having for its object the extension of the Chinese exclusion act so as to include all Asiatic laborers.

[Filed with Secretary of State February 4, 1913.]

Chinese
exclusion
act.

WHEREAS, There is pending in the congress of the United States house bill No. 13500 by Congressman John E. Raker of California; and

WHEREAS, House bill No. 13500 has for its object the extension of the Chinese exclusion act so as to include all Asiatic laborers; and

WHEREAS, There is a misapprehension in the east as to California's position regarding oriental immigration; therefore, be it

Passage
favored.

Resolved by the senate and asscmbly, jointly, of the State of California, That we approve of the passage of house bill No. 13500 and request congress to pass the same.

Resolved, That the secretary of the senate be instructed to send a copy of this resolution to the vice president of the United States, to the speaker of the house of representatives and to each of our senators and representatives in congress.

CHAPTER 14.

Senate Joint Resolution No. 20, relative to aid from the government of the United States for industrial education and the inauguration and establishment of a national university and department of education.

[Filed with Secretary of State February 4, 1913.]

Government
depends on
intelligence
of people.

WHEREAS, The perpetuity of our form of government depends on the intelligence of a free and independent electorate and the ability of the people to meet the obligations of good citizenship in every sphere of human endeavor; and

WHEREAS, The people of the several states firm in this belief have established and maintained at great cost public school systems, including normal and technical schools and universities, for the education and training of the youth of the republic; and

WHEREAS, The preservation of and the progress made under our free institutions have been largely due to the education and training thus given; and

WHEREAS, There exists throughout the land a growing demand for more instruction in branches that will prepare pupils for industrial pursuits; and

WHEREAS, As results of education among the people are the mutual benefits conferred upon all by an ideal American citi-

zanship so the expense attending its achievement should be proportionately shared by the nation and the several states; and

WHEREAS, The national government should directly aid by a per capita appropriation to such grammar, secondary and technical schools in the several states as furnish instruction in industrial branches prescribed by congress and by inaugurating and endowing at Washington, District of Columbia, a national university, to head the educational system of the Union; and National university.

WHEREAS, The time is at hand in our history when the cause of education should be advanced to a paramount position in the government of the United States by the creation of a department of education and the appointment of a secretary thereof with a seat in the cabinet; therefore, be it

Resolved by the senate and assembly, jointly, That our senators in congress be instructed and our representatives in congress requested to use all honorable means to secure the aid set forth in the foregoing preamble and also the inauguration and establishment of a national university and department of education at Washington, District of Columbia; be it further Establishment favored.

Resolved, That the governor be and he is hereby directed to transmit a certified copy of these resolutions to the president of the United States, the president and speaker respectively of the senate and house of representatives of the United States, the commissioner of education and to each of our senators and representatives in congress; be it further

Resolved, That the governor be and he is hereby further directed to transmit a like copy to the governor and superintendent of public instruction respectively of each state and also to the presiding officers of the respective houses of the legislature of each state.

CHAPTER 15.

Assembly Joint Resolution No. 2, relative to requesting the United States congress to authorize and direct the postal savings system to loan its funds to school districts.

[Filed with Secretary of State February 4, 1913.]

WHEREAS, Under the act of congress now in force, which establishes a postal savings system throughout the United States, there is no authority by which the board of trustees of said postal savings system is permitted to loan the funds of said system to the various school districts throughout the nation; and Loan of postal savings funds to school districts.

WHEREAS, It appears that, if such authority existed, the school districts of this state, and every state would be able thereby to obtain money directly from the funds of said postal savings system with more facility and at lower rates of interest; and

WHEREAS, It appears that, by their ability to borrow money more easily and under better conditions, the school districts of this state and of every state will receive great benefits of economy, saving and financial prosperity which will consequently afford the rising generation of our nation better education and development; be it, therefore,

Law per-
mitting
such in-
vestment
favored.

Resolved, That the senate and assembly of the State of California, hereby join in requesting the congress of the United States to amend the act establishing the postal savings system in such manner as will authorize and direct the board of trustees of said postal savings system to invest the funds of said system in school district bonds of the various school districts of the several states and that our representatives in the senate and the house of representatives of congress do their utmost to further such legislation as will effect the above result; and be it further

Resolved, That copies of these resolutions be forthwith transmitted by the clerk of the assembly to the president of the senate of the United States and the speaker of the house of representatives of the United States and a copy hereof to each member of congress, and to each newly elected member of congress.

CHAPTER 16.

Assembly Joint Resolution No. 3, relative to the establishment of a postal telegraph system.

[Filed with Secretary of State February 4, 1913.]

WHEREAS, The establishment of a postal telegraph system would be a profitable and economic extension of our postal business; and

Postal
telegraph
system.

WHEREAS, Because of the more extensive organization maintained by the postal service, and the freedom from taxation and other charges to which a private corporation is subject, the federal government undoubtedly will be able to afford greater telegraphic facilities at lower rates to the people than the companies now conducting this business; therefore, be it

Estab-
lish-
ment
favored.

Resolved, That the senate and assembly of the State of California hereby join in requesting the congress of the United States to enact appropriate legislation providing for the establishment of a postal telegraph system to be operated in conjunction with the mail service; be it further

Resolved, That our representatives in the senate and house of representatives at Washington be requested to do their utmost to forward such legislation; and be it further

Resolved. That a copy of these resolutions be forthwith transmitted by the secretary of the senate to the president of the senate of the United States and the speaker of the house of representatives of the United States, and a copy hereof sent to each member of congress from the State of California.

CHAPTER 17.

Senate Concurrent Resolution No. 10, approving twenty-six certain amendments to the charter of the city of Long Beach, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Long Beach at a special municipal election held therein on the thirteenth day of January, 1913.

[Filed with Secretary of State February 4, 1913.]

WHEREAS, the mayor and city clerk of the city of Long Beach did, on the 23d day of January, 1913, duly certify to the submission to the electors of said city of Long Beach of twenty-six proposed amendments to the charter of the city of Long Beach and to the ratification of said twenty-six amendments and did further certify to a copy of said proposed amendments, authenticated by the seal of said city of Long Beach, which said certificate is in words and figures following, to wit:

Long
Beach
charter
amend-
ments.

STATE OF CALIFORNIA, }
COUNTY OF LOS ANGELES, } SS.
CITY OF LONG BEACH. }

CERTIFICATE OF RATIFICATION OF CERTAIN PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH.

We, the undersigned, Ira S. Hatch, mayor of the city of Long Beach, State of California, and Harry B. Riley, city clerk of said city, do hereby certify as follows, to wit:

That the city of Long Beach, in the county of Los Angeles, State of California, contains a population of over 10,000 inhabitants and has been ever since the year 1907, and is now, organized and acting under a freeholders' charter adopted under and by virtue of section 8. of article XI, of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 1st day of October, 1906, and approved by the legislature of the State of California on the 26th day of February, 1907; that the city council of said city did, by Ordinance No. 642 (new series), adopted on the 11th day of December, 1912, and approved by the mayor on the 11th day of December, 1912, order the holding of a special municipal election in the city of Long Beach on the 13th day of January, 1913, which said ordinance, among other matters, set forth thirty proposed amendments to the charter of the city of Long Beach and provided for their submission to the qualified electors of said city for their ratification at said special election, and gave notice of the holding of said election and provided for the publishing of said ordinance and the said thirty amendments for ten consecutive times in the *Daily Telegram*, a daily newspaper printed and published in said city, such publication to begin on the next day after the adoption of said

Long
Beach
charter
amend-
ments.

ordinance, and that said ordinance be published once in said *Daily Telegram* on or immediately before the tenth day before the holding of said election, and provided for the posting of copies of said ordinance in at least three public places in said city and at the polling places for at least ten days prior to the day of said election.

That said thirty proposed amendments were, and each of them was, published for ten times in a daily newspaper of general circulation, printed, published and circulated in said city, said publication for the ten consecutive times ending on the 21st day of December, 1912, which said last mentioned date was the date of completion of the publication of said proposed amendments.

That said Ordinance No. 642 (new series), containing said amendments and calling and giving notice of said special election, was duly published and posted as required by said ordinance and by law.

That thereafter said special election, provided for in said ordinance, was held on the 13th day of January, 1913, in said city of Long Beach, which said last mentioned date was at least twenty days after the publication of said proposed amendments for ten times in said *Daily Telegram*, a newspaper of general circulation, printed and published in said city of Long Beach; that at said special election a majority of the qualified electors voting thereon voted in favor of the ratification of, and did ratify, twenty-six of said proposed amendments, to wit: Proposed Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 29 and 30 thereof, and did not ratify proposed Amendments Nos. 9, 25, 26 and 27 thereof.

That the city council of said city of Long Beach, at a regular meeting thereof, held within ten days after said election, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified twenty-six of said proposed amendments and rejected three of said proposed amendments, and that said twenty-six amendments to said charter, so ratified by a majority of the qualified electors of said city voting at said special municipal election, are, in words and figures, as follows, to wit:

PROPOSED CHARTER AMENDMENT No. 1.

That section 1, of article 1, be amended to read as follows:

SECTION 1. The municipal corporation now existing, known as the city of Long Beach, shall continue to be a body corporate and politic under the name of the city of Long Beach and with the following boundaries, to wit:

DESCRIPTION OF THE BOUNDARY OF THE CITY OF LONG BEACH.

Beginning at the southwest corner of block 10, East San Pedro, as shown on map recorded in book 52, pages 13 *et seq.* of miscellaneous records of Los Angeles county; thence to the northwest corner of said block 10; thence northeasterly

Bound-
aries.

along the northerly boundary lines of blocks 10, 11, 12 and 13, and across all intervening streets to the northwest corner of block 14, all said blocks and streets as shown on said map of East San Pedro; thence northwesterly to the southwest corner of lot 3, Terminal island, as said lot 3 is shown on filed map No. 133, records of Los Angeles county; thence northwesterly along the westerly line of said lot 3 to the most northerly corner of lot 2, said Terminal island; thence in a direct line northeasterly to the intersection of the westerly boundary line of Long Beach township with the southerly line of Wilmington and Anaheim road, as said road is shown on said map of Terminal island; thence northwesterly along the boundary line of the city of Wilmington as incorporated December 26, 1905, to a point, said point being south 85 deg. west from the intersection of the west prolongation of the north line of State street with the "Compromise line" between rancho San Pedro and rancho Los Cerritos as said "Compromise line" is shown in licensed surveyor's map book 6, pages 15 and 16, said Los Angeles county; thence northeasterly in a direct line to a point in the westerly boundary of the Wilmington colony tract, recorded in book 4, pages 406 and 407, miscellaneous records of said county, said point being 1,300 feet south of the north line of lot 7 of said Wilmington colony tract; thence east to the east line of lot 11 said Wilmington colony tract; thence north 10 feet; thence east to a point 32 feet west of the west line of American avenue, as said avenue is shown on aforementioned map of American colony tract; thence south to a point 100 feet north of the north line of Hill street, as shown on said map of American colony tract; thence east to the east line of American avenue, as shown on map of Elm avenue tract, recorded in map book 4, page 86, records of Los Angeles county; thence north to a point 80 feet north of the north line of Willow street, as said Willow street is shown on aforementioned map of American colony tract; thence east to the east line of Pasadena avenue, as said avenue is shown on map of Signal tract, recorded in map book 7, page 76, records of Los Angeles county; thence south 30 feet; thence east to a point one hundred and forty-three (143) feet west of the west line of Atlantic avenue: thence north to the north line of farm lot 52, aforementioned American colony tract; thence west along said north line of farm lot 52, to the east line of American avenue, as shown on aforementioned map of American colony tract; thence north to the north line of Spring street; thence east along the north line of Spring street to a point 143 feet west of the west line of Atlantic avenue; thence north to the north line of aforementioned American colony tract; thence east to the easterly boundary of Los Angeles county; thence southerly along said boundary to a point 100 feet south of the prolonged north line of American colony tract; thence west to a point 100 feet east of the aforementioned Atlantic avenue; thence south to the south line of aforementioned Willow street; thence east to a point 300

Bound-
aries.

feet west of the west line of California avenue, as said avenue is shown on aforementioned map of American colony tract; thence south to a point in the southerly line of the Pacific Electric railway right of way as shown on map of Gadwell and Lyster tract, recorded in map book 7, page 163, records of Los Angeles county; thence southeasterly along said southerly line of right of way prolonged to the east line of California avenue, as shown on map of aforementioned American colony tract; thence south to a point 160 feet north of the north line of Anaheim street; thence east to the west line of Orange avenue, as said Orange avenue is shown on map of the Alamitos tract, recorded in book 36, pages 37-44, miscellaneous records of Los Angeles county; thence south 860 feet; thence east to the east line of Temple avenue; thence north to the south line of State street; thence east to the east line of Loma avenue; thence south to the south line of Anaheim street; thence east to the east line of Ximeno avenue; thence south to the north line of Seventh street; thence east to the southwesterly line of right of way of the Pacific Electric railway; thence southeasterly along said southwesterly line to the east line of Santa Fe avenue; thence south to the north line of lot 194; thence east along said north line of lot 194 to the west line of Nieto avenue, as said Temple avenue, State street, Loma avenue, Anaheim street, Ximeno avenue, Seventh street, right of way, Santa Fe avenue, lot 194 and Nieto avenue are shown on aforementioned map of the Alamitos tract; thence south to the northeasterly line of block A, West Naples, as shown on map recorded in map book 7, pages 164 and 165, records of Los Angeles county; thence in a direct line to the most northerly corner of lot 17, said block A; thence southwesterly along the prolonged northwesterly line of said lot 17 to its intersection with the northeasterly line of block B, said West Naples; thence southeasterly along the northeasterly line of said block B to the most northerly corner of lot 18, said block B; thence southwesterly along the prolonged northwesterly line of said lot 18 to its intersection with the northeasterly line of lots 35 and 36, said block B; thence southwesterly along said northeasterly line of lots 35 and 36 to the most northerly corner of lot 37, said block B; thence southwesterly along the prolonged northwesterly line of said lot 37 to the northeasterly line of block C, said West Naples; thence southeasterly along the northeasterly line of said block C to its intersection with the northwesterly line of lot 16, said block C; thence southwesterly along the prolonged northwesterly line of said lot 16 to the northeasterly line of lots 44 and 43 of said block C; thence southeasterly along the northeasterly line of said lots 44 and 43 to the most easterly corner of lot 44, said block C; thence southwesterly along the prolonged southeasterly line of lot 44 to its intersection with the northeasterly line of block D, said West Naples; thence southeasterly along the northeasterly line of said block D to the northwesterly line of lot 17, said block D; thence southwest-

erly along the prolonged northwesterly line of said lot 17 to the northeasterly line of block 48, Alamitos bay townsite, recorded in map book 4, pages 75 and 76, records of Los Angeles county; thence southeasterly along the northeasterly line of said block 48 to the northwesterly line of lot 10, said block 48; thence southwesterly along the prolonged northwesterly line of said lot 10 to a point three (3) miles distant from the shore of the Pacific ocean; thence westerly and parallel with the shore of the Pacific ocean and three (3) miles distant therefrom to a point in the prolonged westerly line of aforementioned block 10, East San Pedro; thence in a direct line to point of beginning.

PROPOSED CHARTER AMENDMENT No. 2.

That paragraph 8, of article I, section 3, be amended to read as follows:

Eighth—To provide for supplying the city and its inhabitants with water and gas, electricity or either, or with other means of heat, illumination or power; and to acquire, repair, remodel or construct and to lease or operate, and to regulate the construction or operation of conduits or of railroads, or other means of transit or transportation, and of plants and equipments for the production or transmission of gas, electricity, heat, refrigeration or power, in any of their forms, by pipes, wires or other means, either in or out of the city; and to incur a bonded indebtedness for any of such purposes, provided the question of the issue of bonds therefor shall first be submitted to the qualified electors of the city at a special or general election, and that two-thirds of the vote cast on the question of the said issue of bonds shall have been cast in favor thereof.

Operate
public
utilities.

PROPOSED CHARTER AMENDMENT No. 3.

That paragraph 11, of article I, section 3, be amended to read as follows:

Eleventh—To build, own, alter, improve, keep in repair and control the water front of said city; to build, own, alter, improve and keep in repair wharves, piers, chutes, and to fix the rate of wharfage and transit; to provide for the regulation of berths, landing, stationing and removing of steamboats, sailing vessels, rafts and other crafts and to fix the rate of speed at which steamboats and other craft may run along the water front of the city, and to incur a bonded indebtedness for any such purposes; *provided*, the question of the issue of bonds therefor shall first be submitted to the qualified electors of the city at a special or general election, and that two-thirds of the vote cast on the question of the said issue of bonds shall have been cast in favor thereof.

Build
wharves,
etc.

PROPOSED CHARTER AMENDMENT No. 4.

That paragraph 15, of article I, section 3, be amended to read as follows:

Fifteenth—To license and regulate places of amusement and the carrying on of any and all professions, trades, call-

License oc-
cupations,
etc.

ings, occupations, and kinds of business carried on within the limits of said city, and to fix the amount of license tax thereon to be paid by all persons engaged in carrying on such places of amusement and such professions, trades and callings, occupations and kinds of business in said city and to provide for the manner of enforcing the payment of such license tax; and to regulate, restrain, suppress, prohibit, hawking, peddling and the carrying on of any laundry, livery and sale stable, cattle or horse corral, feed yard, horse clipping establishment, billboards, planing mills, rolling mills, oil wells, furnaces, chimneys and smokestacks, tanks or refineries, foundries, brick-yards, slaughterhouses or butcher shops, and the keeping of bees, cattle, poultry or pigeons within the limits or within any designated portion of said city; and to regulate, prohibit and suppress the sale or giving away of intoxicating liquors and the keeping of any place where spirituous, vinous, malt or other intoxicating liquors are sold or given away and to prohibit and suppress all faro banks, games of chance, gambling houses or bawdy houses, and any and all obnoxious, offensive, immoral, indecent or disreputable places or practices within the said city.

PROPOSED CHARTER AMENDMENT No. 5.

That paragraph 20, of article I, section 3, be amended to read as follows:

Print
municipal
newspaper,
etc.

Twentieth—To contract for all necessary printing and in that behalf either to make contracts for city printing, or to acquire, own and operate, municipal printing presses and all the necessary paraphernalia therefor, and to publish and issue a municipal newspaper.

PROPOSED CHARTER AMENDMENT No. 6.

That paragraph 29, of section 3, of article I, of the charter, be amended to read as follows:

Control
streets,
grant fran-
chises, etc.

Twenty-ninth—Plenary control over all uses of its streets and other public places is vested in the city. Franchises may be granted to persons, firms or corporations upon such terms, conditions, restrictions or limitations as may be prescribed by the city council by ordinance, but no franchise shall be granted without reserving to the city adequate compensation for the privilege conferred, nor shall any franchise be granted for a longer period than thirty-five (35) years, unless there be reserved to the city the right to take over at any time the works, plants and property constructed under the grant at their physical valuation and without compensation for franchise or good will, but no franchise shall be granted for a longer term than fifty (50) years. The city council may, by ordinance adopted by unanimous vote of all its members, provide a method whereby franchises may be granted and from time to time, in like manner, change the method so provided. Until such provision is made the method provided by the general laws of the state shall apply.

PROPOSED CHARTER AMENDMENT No. 7.

That section 3, of article I, be amended by adding a new paragraph thereto, to be known as paragraph 30, and to read as follows:

Thirtieth—To compel the owner, or occupant, of buildings or grounds, or the owner of vacant lots to remove dirt, rubbish, and weeds from the vacant lots and from the lots occupied by buildings and from the sidewalk opposite thereto and in default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant and to make such expense a lien upon such lots, buildings or grounds.

Remove rubbish from lots, etc.

PROPOSED CHARTER AMENDMENT No. 8.

That article II be amended to read as follows:

Section 1. The officers of the city shall be:

Officers of city.

- A mayor
- Seven members of the city council
- A clerk
- Attorney
- Treasurer
- Police judge
- Auditor
- Assessor
- Tax and license collector
- Board of public works
- Civil service commission
- Police commission
- Fire commission
- Board of health
- Library commission
- Board of education

Section 2. Every officer provided for in this charter shall, within ten days after receiving his certificate of election or appointment, qualify by giving the bond required by this charter, or by the ordinances of this city and by taking the following oath: "I do solemnly swear (or affirm as the case may be) that I will support the constitution of the United States, and the constitution and laws of the State of California, and the charter of the city of Long Beach and I will faithfully discharge the duties of the office according to the best of my ability."

Bond and oath of office.

PROPOSED CHARTER AMENDMENT No. 10.

That section 4, of article IV, be amended to read as follows:

Section 4. The following named officers shall execute official bonds to the city with sureties in the following sums, viz:

Amounts of official bonds.

- The mayor, in the sum of ten thousand dollars;
- The treasurer, in the sum of fifty thousand dollars;
- The clerk, in the sum of ten thousand dollars;
- The auditor, in the sum of ten thousand dollars;
- The assessor, in the sum of ten thousand dollars;

The tax and license collector, in the sum of fifty thousand dollars;

The police judge, in the sum of five thousand dollars;

Such other and additional bonds may be required from time to time as the city council may deem proper.

PROPOSED CHARTER AMENDMENT NO. 11.

That section 7, of article V, be amended to read as follows:

Qualifications,
duties, etc.
of city
clerk.

Section 7. The city clerk shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for two years and until his successor has been elected and has qualified. The city clerk shall have the custody of and be responsible for the corporate seal, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody. He shall be present at each meeting of the council and of the board of equalization, and keep a record of its proceedings. He shall keep separate books in which respectively he shall record all ordinances, contracts and all other documents of permanent public value. He shall keep all books properly indexed and open to public inspection when not in actual use. He shall make out, sign and deliver to the city auditor all licenses and perform such other duties as are or shall be imposed by this charter or by ordinance. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city and shall make no charge therefor. He shall devote his entire time to the duties of his office. He shall be the custodian of the city hall, and of all personal property, the custody of which has not been otherwise provided for.

PROPOSED CHARTER AMENDMENT NO. 12.

That section 8, of article V, be amended to read as follows:

Qualifications,
duties, etc.
of city
assessor.

Section 8. The city assessor shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for two years and until his successor has been elected and has qualified. He shall perform all the duties prescribed by this charter or by law for assessing property in the city for purposes of taxation, and shall collect such taxes upon personal property as by this charter are required to be collected by him.

PROPOSED CHARTER AMENDMENT NO. 13.

That section 2, of article VI, be amended to read as follows:

City
council.

Section 2. The qualified electors in the city shall nominate and elect seven members of the city council. Each member of the city council shall be a citizen and elector of the state. They shall have been residents of the city for the two years next preceding the day of their election. They shall hold office for two years and until their successors have been elected and have qualified.

PROPOSED CHARTER AMENDMENT No. 14.

That section 8, of article VI, be amended to read as follows:

Section 8. All ordinances adopted under this charter shall be published in the English language at least once in a bona fide newspaper that has been published, or has been in general circulation, in the city of Long Beach, for at least one year prior to the time of being granted the contract for city printing, or at the option of the city council, be posted in three public places in the city of Long Beach.

Publication of ordinances.

PROPOSED CHARTER AMENDMENT No. 15.

That section 3, of the department of civil service, be amended to read as follows:

Section 3. Said commission shall classify all the offices and places of employment mentioned in section 11 of this subdivision with reference to examination herein provided for. The offices and places so classified by the commission shall constitute the classified civil service of the city; and no appointment to any such offices or places shall be made except under and according to the rules hereinafter mentioned; *provided, however,* in case a position requires special qualification or expert knowledge, the civil service commission may suspend rules by resolution and recommend appointments outside of the classified civil service lists.

Classified civil service.

PROPOSED CHARTER AMENDMENT No. 16.

That section 6, of article IX, be amended to read as follows:

Section 6. All contracts for official advertising shall be let annually, to go into effect on the first Monday in July in every year, in a like manner, to the lowest responsible bidder, publishing or circulating a daily newspaper of general circulation in the city of Long Beach; *provided,* that the said newspaper shall have been in existence at the time of the award of said contract, at least one year.

Advertising contracts.

PROPOSED CHARTER AMENDMENT No. 17.

That section 21, of article XI, be amended to read as follows:

Section 21. Whenever the council shall determine that the public interest requires the construction, acquisition, completion or repair of any public improvement or utility the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a bonded indebtedness for such purpose and proceed therein as provided in section 18, of article XI, of the constitution of this state and general law, or laws, thereof; *provided,* that such indebtedness shall not bear more than five (5 per cent) per cent interest per annum and no bond issue therefor shall be sold for less than par value and to the highest bidder, after advertising for sealed proposals therefor; *and provided,* that several propositions for the issue of bonds may be submitted at one special or general election and that two-thirds of the vote cast

Bond propositions.

on each question of the said issue of bonds shall have been cast in favor thereof.

PROPOSED CHARTER AMENDMENT NO. 18.

That section 24, of article XI, be amended to read as follows:

Sale.

Section 24. The said sale shall be made by him in the manner provided in section thirty-seven hundred and ninety-one, thirty-seven hundred and ninety-two, thirty-seven hundred and ninety-three, thirty-seven hundred and ninety-four, thirty-seven hundred and ninety-five and thirty-seven hundred and ninety-six of the Political Code of the State of California, *provided* that the newspaper referred to in section thirty-seven hundred and ninety-two shall be a newspaper having a general circulation in the city of Long Beach.

PROPOSED CHARTER AMENDMENT NO. 19.

That section 11, of article XV, be amended to read as follows:

Eligibility to office.

Section 11. No person shall be eligible to any municipal office under this charter who, at the time of his election, or appointment, is not a qualified elector of this city.

PROPOSED CHARTER AMENDMENT NO. 20.

That sections 1, 2, 3, 4 and 5, of article XV, be amended to read as follows:

ARTICLE XV.

Elections.

Section 1. Elections to be held in said city are of three kinds:

1. General municipal elections;
2. Second municipal elections;
3. Special municipal elections.

Section 2. A general municipal election shall be held in said city, on the second Tuesday in November, 1913, and on the second Tuesday in November, every two years thereafter, for the election of:

- A mayor,
- Seven members of the city council,
- A clerk,
- An attorney,
- A treasurer,
- A police judge,
- An auditor,
- An assessor, and
- A tax and license collector.

Section 3. Candidates for said offices shall be nominated as follows:

Nomination of candidates.

1. The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

2. The petition of nomination shall contain not less than twenty-five or more than thirty-five individual certificates which shall read substantially as follows:

PETITION OF NOMINATION—INDIVIDUAL CERTIFICATE.

STATE OF CALIFORNIA, }
 COUNTY OF LOS ANGELES, } SS.
 CITY OF LONG BEACH. }

Precinct No. -----

I, the undersigned, certify that I do hereby join in a petition for the nomination of -----, whose residence is at No. ----- street, Long Beach, for the office of -----, to be voted for at the municipal election to be held in the city of Long Beach on the ----- day of -----, 19--., and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence is at No. ----- street, Long Beach, and that my occupation is -----

(Signed) -----

STATE OF CALIFORNIA, }
 COUNTY OF LOS ANGELES, } SS.
 CITY OF LONG BEACH. }

-----, being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) -----

Subscribed and sworn to before me this ----- day of -----, 19-----

(Notary public or verification deputy.)

The petition of nomination, of which this certificate forms a part, shall, if found insufficient, be returned to ----- at No. ----- street, Long Beach, Cal. Nomination petitions.

3. It shall be the duty of the city clerk to furnish upon application a reasonable number of official forms of individual certificates of the above character.

4. Each certificate must be a separate paper. Each certificate must contain the name of one candidate and no more, and one signer thereto and no more. Each signer must be a qualified elector and must not at the time of signing have signed his name to certificate of any other candidate for the same office. Each signer must verify his signature and make oath that the same is true before a notary public or a verification deputy, as provided for in this section.

5. Verification deputies under this section must be qualified electors of the city and shall be appointed by the city clerk upon application in writing, signed by not less than five qualified electors of the city. The application shall set forth that the signers thereto desire to procure the necessary

Nomina-
tion
petitions

signatures of electors for the nomination of candidates for municipal offices at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given, appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Their appointments shall continue only until all petitions of nomination under this section shall have been filed with the city clerk. All verification deputies must, before their appointment, make and file with the city clerk an oath as to their ages, place of residence, occupation and whether or not they are qualified electors of the city of Long Beach, California.

6. A petition of nomination may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

7. When a petition of nomination is presented to the city clerk for filing he shall forthwith examine the same and see if it conforms to the provision of this section. If found not to conform thereto he shall then and there in writing designate on said petition the defect or omission or reason why such petition cannot be filed and shall return the petition at once. The petition may then be amended and presented to the clerk as in the first instance.

8. Any signer to any petition of nomination may withdraw his name from same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

9. Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the date of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot.

10. If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn or added to and no signature shall be revoked thereafter.

11. The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

12. Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall, not later than twenty days before the election, certify such list as being the list of candidates nominated as required by the city of Long Beach, and the council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term,

to be published in the proclamation calling the election, at least ten successive days before the election, in not more than two daily newspapers of general circulation published in the city of Long Beach. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as herein required.

13. The city clerk shall cause the ballots to be printed and bound and numbered as provided for by state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation and shall be in substantially the following form: Ballots.

GENERAL MUNICIPAL ELECTION, SECOND MUNICIPAL ELECTION,
OR SPECIAL MUNICIPAL ELECTION, CITY OF LONG BEACH.
(Insert date thereof).

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the inspector of election, and obtain another.

14. All ballots printed shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all the candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under the charter. The names of the candidates for each office shall be arranged by lot by city clerk, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

15. The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

16. The offices to be filled shall be arranged in separate columns in the following order:

For mayor, vote for one.

For councilmen, vote for seven.

For clerk, vote for one.

For attorney, vote for one.

For treasurer, vote for one.

For police judge, vote for one.

For auditor, vote for one.

For assessor, vote for one.

For tax and license collector, vote for one.

17. Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

18. Half-inch squares shall be left below the printed names of candidates for each office equal in number to the number

to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample
ballots.

19. The clerk shall cause to be printed sample ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

20. In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of councilman, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such an office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

Considered
primary.

21. If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

Second
election.

22. The second election, if necessary to be held, shall be held three weeks after the first election.

23. All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election need be published twice only; *and provided, also*, that the same precincts and polling places shall, if possible, be used.

24. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided.

25. No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

Section 4. The provisions of the state law relating to the

qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections; *provided*, that the council shall meet as a canvassing board and duly canvass the election returns within seven days after any municipal election. General law to govern.

Section 5. All officers provided to be elected by this charter shall take office on the first Monday after the first day of January next after their election. In the case of a special election to fill a vacancy, the person elected shall, after qualifying, as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected and shall serve for the remainder of the term and until his successor shall have been elected and qualified. Take office.

Section 6. In the event of a vacancy in the city council, a special election for the purpose of filling the same shall be ordered and held without delay. In the event of a vacancy in any other elective office the council shall fill such vacancy for the unexpired term. Vacancies.

Section 7. The council shall have power to submit to the electors of said city at any election any question required to be so submitted by the constitution, the law, this charter, or by ordinance; *provided*, that in case such question is required by said constitution, law, charter or ordinance to be submitted at special or other particular kind of election, it shall be so submitted, and not otherwise. Submitting questions.

PROPOSED CHARTER AMENDMENT No. 21.

That article XV be amended by adding a new section immediately after section 6c, the same to be numbered 6d.

Section 6d. The petitions provided for in sections 6a, 6b, and 6c shall not be circulated among the electors for signatures, but may be placed at as many different places within the corporate limits of the city of Long Beach as there shall be county precincts within said limits at the time of using said petitions and the same may be signed by the electors at such places; and the city council shall, by ordinance, with proper penalties, make it unlawful and a misdemeanor for any person to circulate said petitions, or any of them, and shall make it unlawful for any person to receive any compensation or remuneration of any character whatsoever for procuring signatures to such petitions. Petitions not to be circulated.

PROPOSED CHARTER AMENDMENT No. 22.

That section 7, of the miscellaneous provisions, be amended to read as follows:

Section 7. All ordinances and resolutions of the city and all regulations or rules prescribed by, or for, the government of its departments, officers or employees which are in force at the time of the taking effect of this charter and of the amendments thereto, and which are not inconsistent with this charter, as amended, shall continue in force until altered, amended or Ordinances continued in force.

repealed; and all ordinances adopted by the city council or by a vote of the people, prior to the taking effect of amendments to this charter, are hereby preserved and declared to be valid and shall continue to be valid and the same shall be enforced, in all respects, as though adopted under this charter, as amended.

PROPOSED CHARTER AMENDMENT NO. 23.

That the charter of the city of Long Beach be amended by adding a new article thereto, to be known as article No. 16 and to read as follows:

ARTICLE XVI.

Industrial
district.

Section 1. There is hereby created and established in and for the city of Long Beach an industrial district.

Section 2. Said industrial district is hereby defined to be that portion of the city of Long Beach within which factories may or shall be erected and maintained; and within which buildings for the use and occupation of such factories may or shall be erected; and such avocations and industries may or shall be maintained as are prohibited in all the remaining portions of the city of Long Beach.

Bound-
aries.

Section 3. That said industrial district in the city of Long Beach is hereby limited, bounded and described as follows, to wit: All that portion of the city of Long Beach lying west and north of a line extending from Seaside boulevard on the south to the northerly boundary of the city limits, described as follows, to wit: Beginning at the intersection of Seaside boulevard and Alpine avenue; thence north and easterly on Alpine avenue to its intersection with Mendocino avenue; thence north on Mendocino avenue to Ocean avenue; thence east on Ocean avenue to the junction of Ocean avenue and Ocean Park avenue; thence westerly, northerly and easterly along Ocean Park avenue to its intersection with Shanock street; thence northerly on Shanock street to its intersection with the Southern Pacific railroad right of way; thence along said railroad right of way to a point opposite the center of Riverside drive, where said Riverside drive intersects said railroad right of way; thence northerly across said railroad right of way and Wilmington boulevard to the junction of Wilmington boulevard and Fairbanks avenue; thence westerly and northerly along said Fairbanks avenue to the Cerritos slough; thence along the said Cerritos slough with its meanderings to the southwest corner of property of the Soft Water Laundry Company, as said property is shown on map filed with the city clerk of the city of Long Beach for assessment purposes, March, 1911, by the Los Angeles Dock and Terminal Company; thence south 60 deg. 18 min. 40 sec. east, along the southerly boundary of said property of the Soft Water Laundry Company, 52.05 feet; thence north 37 deg. 8 min. east, along the easterly boundary of said property, 246.12 feet; thence north 208.9 feet to a point in the center line of Anaheim street;

thence east on Anaheim street to Daisy avenue; thence north on Daisy avenue to the city limits. Also, all that portion of the city of Long Beach, described as follows, to wit: Beginning at a point in the east line of Temple avenue, as said Temple avenue is shown on the map of the Alamitos tract, recorded in book 36, page 27, *et seq.*, miscellaneous records of Los Angeles county, said point being six hundred sixty (660) feet south of the center line of Anaheim street; thence north thirteen hundred twenty (1320) feet; thence east to the west line of Loma avenue; thence south to the south line of Anaheim street; thence east to the east line of Ximeno avenue; thence south six hundred twenty (620) feet; thence west to the point of beginning.

PROPOSED CHARTER AMENDMENT No. 24.

Alternative Proposition No. 1.

That article XIII be amended to read as follows:

Section 1. Any person, firm or corporation that, within the city of Long Beach, establishes, keeps, opens, maintains or carries on a place where spirituous, vinous, malt or mixed liquors or any alcoholic or intoxicating drinks are sold, kept for sale, offered for sale, furnished, distributed, divided, delivered or given away, or that, within said city, either as owner, employee, agent, clerk or otherwise, sells, keeps for sale, offers for sale, furnishes, distributes, divides, delivers or gives away any spirituous, vinous, malt or mixed liquors or any alcoholic or intoxicating drinks, shall be deemed guilty of a misdemeanor. Intoxicating liquors.

Section 2. Every person who shall, directly or indirectly, keep or maintain, by himself, or by associating or combining with others, or who shall in any manner aid, assist or abet in keeping or maintaining any clubroom or other place, within the city of Long Beach, in which any intoxicating liquor is received or kept for the purpose of use, gift, barter or sale, or for distribution or division among the members of any club or association, by any means whatever, and every person who shall use, barter, sell or give away, or assist or abet another in bartering, selling or giving away intoxicating liquors, so received or kept, shall be deemed guilty of a misdemeanor.

Section 3. Every person having in his possession, within the city of Long Beach, any spirituous, vinous, malt or mixed liquors, or any alcoholic or intoxicating drinks, or bottles, barrels, vessels or other articles with the intent to use the same in violation of this article shall be deemed guilty of a misdemeanor; and all such liquors, bottles, barrels, vessels or other articles in the possession of such persons shall be and are hereby declared to be nuisances, and the chief of police shall have the right, and it shall be his duty, to abate such nuisances by seizing the same, and upon the conviction of such person of violating this article, all such liquors shall be destroyed.

Section 4. Every person who lets or leases any building, tenement or place, owned by him or under his control, within

Intoxicating liquors. the city of Long Beach, to be used, or permits the same to be used, in violation of this article, shall be deemed guilty of a misdemeanor.

Section 5. The provisions of this article shall not be deemed to apply to the keeping, furnishing or giving away, of intoxicating liquors in a private residence in a reasonable amount as a means of entertainment or act of hospitality and without compensation.

Section 6. Every person, or any officer, agent or employee of a railroad company, express company or other common carrier, who shall, within the city of Long Beach, receive, carry or deliver any spirituous, vinous, malt or mixed liquors, or any alcoholic or intoxicating drinks, or vessels for containing the same, to or for any persons, and every person who shall advertise, solicit or take orders, within the said city of Long Beach, for any spirituous, vinous, malt or mixed liquors or any alcoholic or intoxicating drinks, shall be deemed guilty of a misdemeanor; *provided, however*, that the provisions of this section shall not be deemed to apply to a person receiving or carrying liquors to his private residence for his own private use, nor to the receiving, carrying or delivering liquors to regularly licensed druggists.

Section 7. It shall be the duty of the chief of police and all police officers of the city of Long Beach, to put persons suspected of violating this article under police surveillance, and to use all legal means in detecting and convicting persons violating this article, including the exercise of the right of search given by the state law, and chapter III of part II of title XII of the Penal Code of the State of California is hereby, so far as the same may be applicable, made to apply and be in force in the city of Long Beach.

Section 8. Any registered pharmacist, under the laws of this state, holding a druggist's permit obtained from the city council of the city of Long Beach, in the manner herein specified, may sell intoxicating liquors for bona fide medical purposes in accordance herewith, upon the written prescription of a practicing physician entitled to practice medicine under the laws of the State of California; *provided, however*, that said prescription shall be written, signed and dated by the physician within twenty-four hours of the date of the sale; that the name of the person applying personally for the prescription, and the name of the person for whose personal use the prescription is made, shall be inserted therein by the physician issuing the same at the time the prescription is made or given; that the prescription shall be presented to and be filed by the druggist before any sale or furnishing is made thereon; that all prescriptions shall be numbered and kept in regular succession by the druggist filling the same, on a separate file, convenient for and open and subject, during all business hours, to the inspection of the chief of police or any police officer, and to any person who may be designated by the city council of the said city; that only one sale shall

be made on one prescription; that the prescription shall be given or written only, when, in the opinion of the physician, such liquor is actually necessary as a medicine for the person named therein, and such prescriptions shall specify the kind and quantity of liquor to be furnished thereon, and any physician who shall give to, or write for, any well person, or person not in actual need of said liquor as a medicine, any prescription for intoxicating liquors, either separately or compounded with other ingredients, or who shall violate or assist in violating or evading any of the provisions of this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in addition to the penalty therefor herein specified, no intoxicating liquors shall thereafter be supplied, furnished, sold or delivered to any person, by any holder of a druggist's permit, upon the prescription of such physician. Intoxicating liquors.

Section 9. Any registered pharmacist under the laws of this state holding a druggist's permit obtained from the city council of the city of Long Beach, in the manner herein specified, may sell alcohol for mechanical or scientific uses; *provided, however*, that it shall be unlawful to sell, deliver or give away any alcohol for any such uses without making or causing to be made an entry in a book kept and used for that purpose exclusively, stating the date of the sale, the name and address of the purchaser, the quantity of alcohol sold or given away, the purpose for which it is stated by the purchaser to be required, and the name of the dispenser, and causing the purchaser to sign his name to such entry; said book always to be open for inspection and subject during all business hours to the inspection of the chief of police or any police officer and to the city council of said city and to any one designated by them, and to be preserved for at least five years.

Section 10. In order to obtain a druggist's permit under this article the application shall be filed with the city clerk of said city, signed and duly verified by the applicant, setting forth: The particular place, including street and number, where such business is to be conducted, and that the applicant is a person of good moral character, and that he is a registered pharmacist, under the laws of this state, and is lawfully and in good faith engaged, or is about to become engaged personally in the business of a druggist in said city, as the proprietor or manager thereof, at the place designated in his petition, and that he will not violate or evade, nor allow any of his clerks, servants, agents or employees to violate or evade this article or any ordinance of said city relating to intoxicating liquors.

Said applicant shall accompany his application with a good and sufficient joint and several bond, to the city of Long Beach, in the penal sum of one thousand (\$1,000.00) dollars, executed by himself as principal, and two sureties, with a justification of each surety attached thereto, that he is a resident and freeholder in said city, and worth the amount of said bond, over and above all his debts and liabilities in unincum-

Intoxicating liquors.

bered real property situated within the county of Los Angeles, exclusive of property exempt from execution and forced sale; and said bond shall be conditioned that said applicant, and every one in his employ, will well and truly observe and obey this article and all ordinances now, or hereafter, in force in relation to intoxicating liquors in said city, during the time for which the said permit is granted; and on violation of any of the provisions of said bond the same shall thereby become forfeited and the amount thereof shall become due and payable to the city of Long Beach, and may be recovered in a civil action brought in a court of competent jurisdiction in the name of the said city of Long Beach against the persons liable thereon.

Section 11. Said city council shall, if satisfied with the sufficiency of the sureties on said bond, approve the same, and thereupon, unless said applicant or some person in his employ has been convicted of violating the charter, laws or ordinances of said city relating to intoxicating liquors, shall issue to said applicant, upon payment by him of a fee of \$25.00 therefor to the city clerk, a druggist's permit, signed by the mayor and attested by the city clerk under the seal of the said city of Long Beach, which permit shall authorize said registered pharmacist, or assistant pharmacist, under the laws of this state, to sell intoxicating liquors for bona fide medical purposes only, in accordance with this article, upon the written prescription of a physician, as in this article provided; and it shall be unlawful for the holder of any such druggist's permit to allow the drinking, on his premises, or upon any premises occupied or controlled by him, of any intoxicating liquors, or to permit any violation of this article in or upon any premises owned, occupied or controlled by him. And said permit shall continue in force for the period of one year from the date of its issuance, unless sooner canceled or revoked in the manner herein provided.

Section 12. Whenever any person, either as owner, agent, employee or otherwise, shall have been convicted of violating any of the provisions of this article, or any ordinance of the city of Long Beach, relating to intoxicating liquors, any druggist's permit held by the owner or proprietor or manager of any drug store where such violation was committed must thereupon be immediately revoked and canceled by said city council, and no other or further permit shall be issued to such owner or proprietor, or any other person by whom, or for any place where he may be employed.

Section 13. Whenever the father, mother, brother, sister, wife, husband or guardian or any relative of any person, shall notify any holder of a druggist's permit that such person, naming him, uses intoxicating liquors as a beverage, and shall forbid said druggist from selling, bartering or giving to such person any intoxicating liquors, it shall be unlawful for any such holder of a druggist's permit, after such notice, to let such person have any intoxicating liquors upon prescription, or otherwise.

Section 14. Every act in violation of this article shall separately, or for each day of its continuance, be deemed a separate offense, and any person who shall in any manner encourage, aid, abet or assist in the violation of this article, shall be deemed guilty of a misdemeanor, and any clerk, servant, agent or person committing any act in violation of this article shall be deemed guilty as principal.

Section 15. Any violation of this article, or any of the provisions thereof, shall constitute a misdemeanor, and every person found guilty of violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine of not more than five hundred (\$500.00) dollars and not less than one hundred (\$100.00) dollars, or by imprisonment in the city jail of the city of Long Beach for not more than six months, or be punished by both such fine and imprisonment in the discretion of the court in which conviction is had.

Section 16. The council may, by ordinance, provide additional penalties not inconsistent with law for the violation of the provision of this article and may adopt such further restrictions as will make the said provisions effective, and shall have power to adopt ordinances further regulating, restraining and prohibiting the liquor traffic, not inconsistent with this article.

PROPOSED CHARTER AMENDMENT No. 28.

That section 11 of article V of the "charter for the city of Long Beach," relating to the qualification and duties of the city attorney, be amended to read as follows:

ATTORNEY.

Section 11. The city attorney shall be a citizen and qualified elector of the state, and shall have been a resident of the city of Long Beach for the two years next preceding the day of his election, and shall be elected by the qualified electors of the city, and shall hold office for two (2) years, and until his successor has been elected and has qualified. The city attorney must be qualified to practice in all the courts of this state, and he must have been so qualified for at least five (5) years next preceding his election, and he must devote his entire time to the duties of his office; and is not permitted to practice law other than the city business, or to have a partner engaged in the practice of law. The city attorney shall prosecute in behalf of the people all criminal cases arising from violation of the ordinances of the city, and shall attend to all suits, matters and proceedings in which the city may be legally interested; *provided*, that the city council shall have control of all litigation of the city and may employ other attorneys to assist the city attorney therein. The city attorney shall be in attendance at every regular meeting of the council and shall give his advice or opinion in writing whenever requested so to do by the city council or any of the boards, commissions or officers of the city. The city attorney shall approve the forms of all bonds given to the city, and all contracts before the same are

Qualifications, duties, etc. of city attorney.

City attorney.

entered into by or on behalf of the city; and shall endorse his approval thereon in writing. The city attorney shall, whenever required by the city council or any member thereof, draft any or all proposed ordinances for the city or amendments thereto, and shall do and perform all such things touching his office as the city council or the mayor may require of him. The city attorney shall keep on file in his office, copies of all written communications and opinions given by him to any officer, board or department; copies of all papers, briefs and transcripts used in cases wherein he appears, and books of record and registry of all actions or proceedings in his charge, in which the city, or any officer, board or commission is a party or is interested, and, on vacating his office shall surrender all books, files and documents pertaining to the city business to his successor. The city attorney may appoint an assistant city attorney, clerks, stenographers and other persons as the council by ordinance shall prescribe; *provided*, that the assistant city attorney must, at the time of his appointment, have been a resident of the city of Long Beach for the two years next preceding the day of his appointment; and *provided, further*, that the assistant city attorney must, at the time of his appointment, be qualified to practice in all the courts of the state, and must have been so qualified at least two (2) years next preceding his appointment. The assistant city attorney must devote his entire time to the duties of his office; and shall receive in full compensation for all services rendered by him, payable in equal monthly installments at the end of each calendar month, the sum of eighteen hundred dollars per annum, and is not permitted to practice law other than the city business, or to have a partner engaged in the practice of law.

PROPOSED CHARTER AMENDMENT NO. 29.

The subdivision (b) of section 6a of article XV of the "charter for the city of Long Beach," relating to the initiative be amended to read as follows:

(b) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people. If the petition be signed by electors equal in number to at least ten per cent but less than fifteen per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, then such ordinance, without alterations, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance. The ballots used when voting upon said proposed ordinance shall contain the words "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating general nature of the proposed ordinance). If a majority of the quali-

Submitting
initiated
ordinances
to vote
of people.

fied electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a binding and valid ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people can not be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter, more than one special election within a period of twelve months, except, that there shall be no limitation as to time, presentation, or number of elections upon an initiative ordinance proposed under this section for the purpose of regulating or fixing the rates of compensation to be collected by any person, firm, company or corporation for supplying gas, electricity, power, heat, light, water, telephone or telegraph service to the city of Long Beach or the inhabitants thereof. The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city clerk shall cause the ordinance or proposition to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least ten days prior to the election, but the city council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition, and of the sample ballot as first above provided.

PROPOSED CHARTER AMENDMENT NO. 30.

That the charter of the city of Long Beach be amended by adding thereto another article to be known as article XVII, pertaining to common carriers and by repealing certain provisions of said charter in conflict therewith; said article XVII to read as follows:

ARTICLE XVII.

COMMON CARRIERS.

The railroad commission of the State of California is hereby granted and given all the powers, rights and jurisdiction over every common carrier (as defined in section 2 of the public utilities act, approved December 23, 1911), operating within the city of Long Beach or serving the inhabitants thereof, conferred upon said railroad commission by the constitution, the public utilities act, as approved December 23, 1911, and any other law or statute of the State of California. The provisions of section three (3) of article I of the city charter of the city of Long Beach, and the provisions of section ten (10) of article

Common carriers.

VI of the city charter of the city of Long Beach, in so far as the same may be in conflict with, or contrary to this article pertaining to common carriers, are hereby expressly repealed.

In witness whereof, we have hereunto set our hands and affixed the corporate seal of the city of Long Beach this 23rd day of January, 1913.

I. S. HATCH,
Mayor of the City of Long Beach.

[SEAL]

HARRY B. RILEY,
City Clerk of the City of Long Beach.

AND, WHEREAS, The said twenty-six proposed amendments, so ratified as hereinabove set forth, have been duly presented and submitted to the legislature of the State of California, for approval or rejection, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California. Now, therefore, be it

Approval
by legis-
lature.

Resolved by the senate of the State of California, the assembly concurring, (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said twenty-six proposed amendments to the said charter of the city of Long Beach, hereinabove set forth, as presented and as submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole for and as amendments to the said charter of the city of Long Beach.

CHAPTER 18.

Senate Concurrent Resolution No. 11, relative to the appointment of a committee to consider the advisability of proposing to the voters of the state a bond issue for the purpose of making improvements to capitol, hospitals and other public institutions.

[Filed with Secretary of State February 4, 1913.]

Commit-
tee on im-
provement
of capitol,
etc.

Resolved by the senate of the State of California, the assembly concurring, That a committee consisting of five members of the senate and five members of the assembly be appointed for the purpose of ascertaining the advisability of submitting to the people of the state the question of bonding the state for the purpose of making needed additions and improvements to the capitol, asylums, hospitals and other public institutions of the state. The president of the senate shall appoint the senate members of said committee and the speaker of the assembly shall appoint the assembly members of said committee.

CHAPTER 19.

Senate Joint Resolution No. 9, relative to the continuance by the United States of the government line of steamers from eastern seaports to Colon, in the "canal zone," and the extension thereof to Pacific seaports, on the western coast of the United States, on the completion of the Panama canal.

[Filed with Secretary of State February 4, 1913.]

WHEREAS, There is maintained and operated by the United States from eastern seaports of our country to Colon, in the "canal zone," a government line of steamers for the transportation of freight consisting of supplies for use in the construction of the Panama canal, and of certain merchandise for the Pacific coast states; the latter transshipped from Avon on the western end of the government railways across the Isthmus of Panama, to steamers operated by private corporations, plying between Avon and Pacific coast ports;

Extending government steamer lines to Pacific coast.

WHEREAS, On the completion of said canal, public interests and the necessities of those interested in western commerce, demand that the government-owned vessels now in the service on the Atlantic side, be not only continued in operation as now, but extended to Pacific seaports, on the western coast of the United States;

WHEREAS, The failure to so continue and extend such government service would reopen the struggle between the producers and shippers of California and sister states, on the one side, and the steamship companies acting in concert with the transcontinental railways on the other; and thus, to a great extent, restore the unfavorable conditions, that will, in the future, and as they were, in the past, be manipulated and controlled by transcontinental railways and their allies;

WHEREAS, The experience of our producers and shippers in the past and recently in connection with a steamship line not enjoying the favors of the transcontinental railway lines and their allies, doing business on the Pacific side of the canal, should warn those in authority and the people, to avoid a similar danger in the future; particularly when its repetition will greatly impair the benefits that should accrue to them and to the country at large, by the construction and operation of such canal under the auspices of the government of the United States.

WHEREAS, The early completion of the Panama canal should urge early action on the subject matter of these resolutions; therefore, be it

Resolved by the senate and assembly of the State of California, jointly, That the legislature of the State of California respectfully urge the congress of the United States, to enact such legislation as will continue after the completion of the Panama canal, such government line of steamers, and extend their service, with such additional steamers and facilities as

Legislation urged.

may be necessary, to Pacific seaports, on the western coast of the United States; be it further

Resolved, That our senators in congress be instructed, and our representatives in congress requested, to use all honorable means to secure the enactment of the aforesaid legislation; be it further

Resolved, That duly authenticated copies of these resolutions be transmitted by the governor of the State of California to the president and the president-elect of the United States, and the presiding officers of the respective houses of the sixty-second and sixty-third sessions of congress, and also to each of our senators and representatives in congress in said sessions of congress.

CHAPTER 20.

Senate Joint Resolution No. 14, relative to the free passage through the Panama canal of American ships engaged in the coastwise commerce of the United States and opposing repeal of the act of congress providing therefor.

[Filed with Secretary of State February 4, 1913.]

Free pas-
sage of
American
ships
through
Panama
canal.

WHEREAS, The Panama canal, constructed by the United States in American territory, is a project belonging to the American people; and

WHEREAS, The power to provide for the management, use and control of said canal, is an attribute of sovereignty, and as such, is subject to exercise only by the government of the United States, as provided in the constitution and laws thereof; and

WHEREAS, In the exercise of such power, the congress of the United States, has enacted a law granting to American ships engaged in coast-wise commerce of the republic, free passage through said canal; and

WHEREAS, An attempt is being made to repeal said act; therefore, be it

Repeal of
law
opposed.

Resolved by the senate and assembly of the State of California, jointly, That the legislature of the State of California hereby respectfully memorializes the congress of the United States to defeat all attempts to repeal said act; and

Be it further resolved, That our senators in congress be instructed, and our representatives in congress requested, to use all honorable means to defeat the repeal of said act, and that duly authenticated copies of these resolutions be transmitted by the governor of the State of California to the president and the president-elect of the United States, and the presiding officers of the respective houses of the sixty-second and sixty-third sessions of congress, and also to each of our senators and representatives in congress in said sessions of congress.

CHAPTER 21.

Senate Joint Resolution No. 15, relative to United States senate amendment No. 68, to house of representatives bill No. 26680, providing for the re-establishment of the fourth revenue collection district of the State of California.

[Filed with Secretary of State February 4, 1913.]

WHEREAS, The fourth internal revenue district of California, with headquarters in Sacramento and serving all the counties north of San Francisco to the Oregon line, and also the entire state of Nevada, was abolished on the first day of October last; and,

Internal
revenue
office at
Sacra-
mento

WHEREAS, Said district did an annual business of nearly eight hundred thousand dollars; and,

WHEREAS, Said district was also consolidated with the first collection district of California, with headquarters in San Francisco, which district was so large that the Los Angeles district was separated from it two years ago; and,

WHEREAS, The loss of the fourth district will work injury to this section of California and Nevada, without any corresponding benefit to the first district; and,

WHEREAS, An amendment, known as senate amendment number sixty-eight, to the house of representatives' bill number twenty-six thousand six hundred eighty, providing for the re-establishment of the aforesaid fourth revenue collection district of the State of California, has been approved by the senate of the United States congress and now goes to conference; therefore, be it

Resolved by the senate and assembly, jointly, That the legislature of the State of California approves all of the provisions of said amendment, and our senators in congress are hereby instructed and our representatives requested to vote for and use every honorable means to secure the passage of said amendment to said bill. And be it

Removal
opposed.

Resolved further, That copies of this resolution be sent by telegraph to each of our senators and representatives in the congress of the United States.

CHAPTER 22.

Assembly Concurrent Resolution No. 6, relative to the printing of the report of the state controller provided for by section 243 of the Political Code.

[Filed with Secretary of State February 4, 1913.]

WHEREAS, The state controller, in compliance with the provisions of section 243 of the Political Code, has made the report therein called for to the governor and both branches

Controller
requested
to com-
plete
report.

of the legislature, but he states in said report that it is necessarily incóplete and cannot at the present time be made in such form as to give a complete list of proposed appropriations; therefore, be it

Resolved by the assembly, the senate concurring, That the report as made be returned to the controller, with the request that he shall complete the same immediately after the adjournment of the legislature for the recess provided for by section 2 of article IV of the constitution, and that as soon as possible thereafter said report shall be printed and a copy thereof furnished to each member of the assembly and senate.

CHAPTER 23.

Assembly Concurrent Resolution No. 13, relative to appointing a committee to investigate the feasibility of removing the Stockton State Hospital to the State Agricultural Farm in San Joaquin county.

[Filed with Secretary of State February 4, 1913.]

Committee
to investigate
removal of
Stockton
hospital.

Resolved by the assembly, the senate concurring, That a committee be, and the same is, hereby appointed, consisting of ten members, to investigate, during the constitutional recess, the feasibility of removing the state hospital from its present location in the city of Stockton, county of San Joaquin, State of California, to the state agricultural farm on the lower Sacramento road, three miles north of the city of Stockton, in said San Joaquin county. The said committee shall consist of the following persons, each of whom shall be, and is, hereby appointed a member of said committee, namely: The lieutenant governor of the state, who shall be chairman of said committee, the speaker of the assembly, the chairman of the assembly hospital and asylum committee, the chairman of the assembly ways and means committee, the chairman of the senate finance committee, the chairman of the senate hospital and asylum committee, the chairman of the assembly state grounds and parks committee, the senator from the tenth senatorial district, the assemblyman from the nineteenth assembly district, the assemblyman from the twentieth assembly district, who shall be the secretary of the said committee.

Immediately after the adoption of this resolution, the said committee shall organize and proceed to investigate the feasibility of the removal of said state hospital as hereinbefore provided, with the end in view that a full and complete report be made of the feasibility of the removal of said hospital from within the limits of the city of Stockton to said state agricultural farm; and said committee shall also report as to what buildings and the approximate cost of the same will be necessary to be made in order to accomplish such removal.

The said report shall be presented to the legislature of this state when it convenes after the constitutional recess.

The members of said committee shall receive no compensation for their services, but shall be allowed all expenses necessarily incurred in the performance of their duties.

CHAPTER 24.

Senate Joint Resolution No. 12, relative to action by congress in directing an investigation through the department of agriculture of measures for protection of fruit from frost damage.

[Filed with Secretary of State March 31, 1913.]

WHEREAS, The great citrus belt of California has been visited by an unprecedented damaging frost involving a loss of many millions of dollars in the crop alone as well as great damage to trees; and Damage to citrus fruit, by frost.

WHEREAS, Great advancement has been made by both public and private experimentation in the protection of orchards all over the United States from the damaging effect of cold waves by means of heating pots and other methods of raising temperatures, the use of which has given perfect protection in some groves and has been of little benefit in others. The effect of frost damage on many fruits, particularly the citrus, is but little known and it is believed that large sums may be saved in this and other horticultural branches by a more thorough knowledge of the prevention of frost damage and the best means of determining to what extent citrus or other fruits have been rendered unfit for marketing. Large losses have been sustained which might have been prevented were proper methods known; and

WHEREAS, The interests of the whole country demand a thorough investigation of this question by the department of agriculture through the most competent experts obtainable. Such work adequately supported and ably conducted will save many millions of dollars losses to the nation. Now, therefore, be it

Resolved, That this being a nation wide problem, we appeal to congress to authorize and empower the department of agriculture to at once take up this question and employ the ablest and most competent men to be had for carrying on this work until a thorough knowledge shall be had of this question in its bearing on all branches of horticulture; and be it

Congress urged to authorize investigation.

Resolved, That upon the passage of this resolution, the secretary of state be and he is hereby directed to forward a copy thereof to the senators and representatives of the State of California in congress; and that a copy of the resolution be also transmitted to the governor of each fruit growing state in the union, requesting them to urge legislatures now in session to consider and take action in accordance with this resolution.

CHAPTER 25.

Senate Joint Resolution No. 1, relative to the continuation by the United States of surveys for the construction of storage reservoirs for the impounding of flood waters in the Sierra Nevada mountains in the State of California, and asking that an appropriation be made for forwarding the work as speedily as possible.

[Filed with Secretary of State March 21, 1913.]

Conservation of flood waters in Sierras.

WHEREAS, The United States government has for several years past been securing data through the geological survey and the reclamation service concerning the watersheds of the west slope of the Sierra Nevada mountains and the construction of storage reservoirs for the conservation of flood waters in the winter and spring; and

WHEREAS, The Sacramento and San Joaquin valleys of which these watersheds form the eastern rim, constitute a large body of the most fertile land to be found in any country, rivaling the far famed valley of the Nile in productiveness and capable of supporting a population of several millions when properly reclaimed and settled; and

WHEREAS, In times of heavy snowfall and rainfall, the volume of water coming down into the valleys is a continual menace to the rich lands adjacent to the Sacramento and San Joaquin rivers, thousands of acres of which are flooded in years of heavy rainfall; and

WHEREAS, In the report of the reclamation service for the year 1907 the statement is made that if storage reservoirs were constructed at the sites surveyed, it would greatly simplify the drainage problems of the Sacramento and San Joaquin rivers and the lower Sacramento valley by reducing the flood flow in the rivers; and

WHEREAS, The flood waters so impounded would be of the greatest value to the Sacramento and San Joaquin valleys, and the State of California by being used for irrigation instead of being allowed to flow to the ocean, often doing incalculable damage to the valleys, 800,000 acres of the lowlands of which having been flooded in 1904; therefore, be it

Construction of storage reservoirs favored.

Resolved by the senate and the assembly jointly, That the legislature of the State of California memorializes the congress of the United States for the continuation of said work of surveying and constructing such storage reservoirs in the watersheds of the western slope of said Sierra Nevada mountains on the tributaries of the Feather, Yuba and American rivers and other tributaries of the Sacramento and San Joaquin rivers, carrying out all measures necessary for such work and making an appropriation of sufficient size to forward it as speedily as possible; be it further

Resolved, That the secretary of the interior be requested to take the necessary measures for hastening the survey and

construction of such reservoirs, in order to impound such flood waters and enable the problem of improvement and restraint of the Sacramento and San Joaquin rivers to be the more speedily solved; and be it further

Resolved, That our senators in congress be instructed and our representatives be requested to use all honorable means to secure the action desired in this matter for the purpose aforesaid. And be it further

Resolved, That a copy of these resolutions be forwarded to the president of the United States, the secretary of the interior, the secretary of agriculture, the respective houses in congress and to each of our senators and representatives in congress, including those to assume office on March 4th, 1913.

CHAPTER 26.

Senate Joint Resolution No. 2, relative to national forests situated within the State of California and requesting the war department of the United States to station and maintain federal troops in such national forests during certain months.

[Filed with Secretary of State March 31, 1913.]

WHEREAS, There are situated within the State of California great national forests comprising in area over twenty-seven million acres, and

Fires in
national
forest
reserves.

WHEREAS, The protection and preservation of these forests is of great benefit to the citizens of this state and of the whole United States, and

WHEREAS, Each year during the months of July, August and September, forest fires threaten partial or total destruction of these forests, and

WHEREAS, These forests are not sufficiently protected from fire during such months; now, therefore, be it

Resolved by the Senate of the State of California and the assembly jointly, That the war department of the United States be and it hereby is, requested to station federal troops in the national forests within the State of California during the months of July, August and September each year for the purpose of preventing and fighting forest fires and protecting such national forests, and

United
States
troops to
fight fires.

Be it further resolved, That a copy of this joint resolution be sent to the head of the war department of the United States.

CHAPTER 27.

Senate Concurrent Resolution No. 13, approving certain amendments in the charter of the city of Eureka, in Humboldt county, State of California, voted for, and ratified by the qualified electors of said city, at a special municipal election held therein on the 15th day of April, 1912.

[Filed with Secretary of State March 31, 1913.]

CERTIFICATE OF THE CHIEF EXECUTIVE AND CITY CLERK OF THE
CITY OF EUREKA, STATE OF CALIFORNIA,

Eureka
charter
amend-
ments.

As to the adoption and ratification of certain amendments to the charter of said city of Eureka, submitted to the qualified electors of said city on the 15th day of April, A. D. 1912.

PREAMBLE.

Be it known that,

WHEREAS, The city of Eureka, of the county of Humboldt, State of California, has at all times mentioned herein been and now is a municipal corporation of said State of California, containing a population of more than thirty-five hundred (3500) inhabitants, and is now, and has been ever since the second Monday in July, A. D. 1895, organized, and existing and acting under a freeholders' charter adopted under and by virtue of section 8, article XI, of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 26th day of January, 1895, and approved by the legislature of the State of California, on the 12th day of February, 1895, (Statutes of 1895, pages 355 to 405 inclusive); and

WHEREAS, A petition, signed by more than fifteen (15) per centum of the qualified electors of said city of Eureka, computed on the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, was on the 1st day of March, 1912, filed in the office of the city clerk of said city of Eureka, petitioning the council thereof to submit certain proposed amendments to the charter of said city, which amendments were therein set forth in full, and which are hereinafter set forth in full, to the qualified electors of said city of Eureka; and said petition having been duly examined by the city clerk of said city and found by him to be signed by the requisite number of qualified electors of said city, and being by him duly certified, was presented to said council in the manner required by law; and

WHEREAS, Upon the presentation of said petition to said council, said council did on the 8th day of March, 1912, duly enact and adopt Ordinance No. 600 of said city of Eureka, which ordinance was on said date approved by F. W. George-son, the mayor and chief executive of said city, and which

ordinance was thereafter published for the time and in the manner required by law; and

Eureka
charter
amend-
ments.

WHEREAS, By said Ordinance No. 600 a special municipal election in and for said city of Eureka was duly called, to be held on the 15th day of April, 1912, and by said ordinance it was ordered and ordained that all of said amendments set forth in said petition be submitted to the qualified electors of said city at said special election for ratification or rejection; and

WHEREAS, All of said proposed amendments to said charter were duly published, pursuant to the order of said council for ten (10) times in the *Eureka Herald*, a daily newspaper of general circulation, printed, published and circulated in said city of Eureka; and

WHEREAS, Each and all of said proposed amendments were duly submitted to the qualified electors of said city of Eureka at said special election held on said 15th day of April, 1912, which said special election was held not less than twenty (20) days nor more than forty (40) days after the completion of the publication of such proposals for ten (10) times in said daily newspaper; and

WHEREAS, In and by said ordinance, so passed, approved and published, as aforesaid, said proposed amendments, respectively, were submitted to the qualified electors of said city at said special municipal election; and

WHEREAS, On the 16th day of April, 1912, at a meeting of said council of said city of Eureka, duly convened in accordance with law and with the provisions of said charter of said city, said mayor and council of said city of Eureka did duly and regularly canvass the returns of said special municipal election, so held on the 15th day of April, 1912, and did find therefrom that all of said proposed amendments to said charter, hereinafter particularly set forth, were, and each of them was duly ratified by the majority of the electors voting thereon; and

WHEREAS, Said mayor and council, after canvassing said returns, and at said meeting so held as aforesaid, after said canvass, did duly find and declare that said proposed amendments, and each and all of them, had been ratified by the majority of the electors voting thereon; and

WHEREAS, Said amendments so ratified by the electors of said city of Eureka, at said special municipal election held on the 15th day of April, 1912, are now submitted to the legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of section 8 of article XI of the constitution of the State of California; and

WHEREAS, No other proposed amendment to said charter had been submitted to the electors of said city of Eureka within two (2) years immediately prior to said 15th day of April, 1912;

Now, therefore, the undersigned, F. W. Georgeson, the

mayor and chief executive of the city of Eureka, and J. P. Wunderlich, city clerk and ex officio clerk of the council of said city, authenticating their signatures with the official seal of said city,

Do hereby certify, that said amendments to said charter of said city, so ratified by the majority of the electors voting thereon at said special municipal election, held on the 15th day of April, 1912, as submitted to said electors and ratified by said electors are in the words and figures as follows, and are and shall, if so approved by said legislature, be in the words and figures following, to wit:

Subdivision 36 of section 43 of article II of the charter of the city of Eureka is hereby amended so as to read as follows:

Light,
heat, etc.,
provided.

Subdivision 36. To provide for supplying the city of Eureka and its inhabitants with light, heat, motive power, telephone, street railroads or any other public utility of any kind or character or name, and to construct or purchase, own, control, maintain and operate any and all such public utilities; *provided, however,* that no such construction or purchase shall be made unless first authorized by a vote of the majority of the electors voting at any general or special election, at which the proposition may be submitted.

Subdivision 46 of section 43 of article II of the charter of the city of Eureka is hereby amended so as to read as follows:

Water, ice,
etc., pro-
vided.

Subdivision 46. To provide for supplying the city and its inhabitants with water, ice, meat, or any other food products or necessities of life, and to construct or purchase, own, control, maintain and operate its own water supply, ice plant, slaughter house, cold storage plant, meat markets, or any other property necessary to produce, preserve and distribute to consumers any or all such products; and in owning and operating such public enterprises the city shall have all the rights and powers that are granted by the laws of the state to private corporations in conducting similar enterprises; *provided, however,* that no such water works, ice plant, cold storage plant, slaughter house, meat markets or other public enterprises shall be established or purchased by the city of Eureka unless first authorized by a vote of the majority of the electors of said city at any general or special election at which the proposition may be submitted.

Section 43 of article II of the charter of the city of Eureka is hereby amended by adding a new subdivision thereto to be known as and numbered subdivision 62, which said subdivision shall read as follows:

City to fix
rates for
public
service.

Subdivision 62. To sell within or without the city, at such rates as the council by ordinance shall from time to time establish, street car service, telephone service, light, heat, use of public slaughter house, or use of any public utility owned or controlled by the city; and the council shall likewise by ordinance provide for the terms, and rates on which the department of public works shall sell within or without the city, water, ice, meat, rock or the product of any other public

enterprise which the city may now or hereafter control or own.

Section 86 of article VI of the charter of the city of Eureka is hereby amended so as to read as follows:

Section 86. Whenever the council shall determine, or shall be instructed by initiative petition, that the public interest requires the construction, or acquisition, or completion, of any public work, or enterprise, of any nature, kind, character or name, which is authorized in this charter, the cost of which in addition to other expenditures of the city, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt for such purpose, and proceed therein as provided in section eighteen of article eleven of the constitution of this state and general law; *provided*, that such indebtedness shall not bear more than five per cent interest per annum, and that no bond issued therefor shall be sold for less than par value and to the highest bidder after advertising for sealed proposals therefor. Nor shall any such bonds be issued or sold during any one year in excess of the actual expenditures incurred in that year.

May incur indebtedness for public work.

Section 95 of article VII of the charter of the city of Eureka is hereby amended so as to read as follows:

Section 95. All contracts for building shall be awarded to the lowest bidder therefor, furnishing adequate security, to be determined by the board, after due public notice published for not less than ten days in one daily paper of the city, but if the board deem advisable the work may be done by day labor and all supplies purchased in the open market.

Contracts to lowest bidder.

Section 162 of article XI of the charter of the city of Eureka is hereby amended so as to read as follows:

Section 162. If at any time the city shall become the owner of any light or power system, heating system, telephone system, street railway system, water system, ice plant, slaughter house, cold storage plant, meat market, or any other public utility or public enterprise, the council shall appoint a superintendent of public works, who shall hold said office until his successor shall have been elected and qualified at the first regular city election to be held after the establishment of this office. The regular term of this office shall be two years and the compensation for same shall be fixed by ordinance by the council.

Superintendent of public works.

Section 163 of article XI of the charter of the city of Eureka is hereby amended so as to read as follows:

Section 163. The superintendent of public works shall have supervision of the construction, alteration, repair, operation and maintenance of all public utilities or public enterprises of every kind and nature, owned or hereafter to be acquired or operated under the control of the city, not in this charter assigned to another department, subject to such regulation by ordinance as the council may from time to time enact. He shall have supervision over the acquisition of all materials and supplies necessary to carry on the work of his department. All contracts for work and materials must be made by said

Duties.

Duties.

superintendent in the manner provided in this charter for making contracts, and approved by the council. And all pay rolls and accounts for the same, before being paid by the council, shall first be passed upon by the superintendent, who shall thereupon certify them to the council for payment.

And the said F. W. Georgeson, as mayor and chief executive of said city, and J. P. Wunderlich, as clerk of said city and ex officio clerk of the council of said city, do hereby further certify that they have this day carefully compared the foregoing proposed and ratified amendments to the charter of said city of Eureka with the original petition requiring their said submission to said qualified electors for ratification or rejection, as aforesaid, and with said Ordinance No. 600, submitting them to the qualified electors of said city at a special municipal election held in said city on the 15th day of April, 1912, and with the proceedings of the council of said city on file in the office of said clerk, subsequent to the passage of said ordinance and the filing of said petition and relating to the adoption of said amendments, and from said comparison and examination they find, and hereby certify that the foregoing contains a true, full, exact and correct copy of said charter amendments to said charter of said city of Eureka, so ratified as aforesaid.

And, we further hereby certify that the facts set forth in the preamble of this certificate preceding said amendments to said charter, are, and each of them is, true.

And, for and on behalf of said city, we, being hereinbefore duly authorized, do hereby request the legislature of the State of California to adopt and approve each of said amendments to said charter, as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

In witness whereof, we have hereunto set our hands and caused our signatures, authenticated by the official seal of said city, to be hereunto attached, this 21st day of January, 1913.

(SEAL)

F. W. GEORGESON,

Mayor and Chief Executive of the City of Eureka.

Attest:

J. P. WUNDERLICH,

City Clerk of the City of Eureka and ex officio

Clerk of the Council of the City of Eureka.

Now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring, (a majority of all members elected to each house, voting for the adoption of this resolution and concurring therein). That the said amendments to the said charter of said city of Eureka, herein set forth as presented and submitted to and adopted and ratified by the qualified electors of said city of Eureka, be and the same are hereby approved as a whole for and as amendments to and as part of said charter of said city of Eureka.

Approval
by legis-
lature.

CHAPTER 28.

Assembly Concurrent Resolution No. 12, approving the charter of the city of San Rafael, State of California, voted for and ratified by the qualified voters of said city of San Rafael at a special municipal election held therein for that purpose on the 30th day of November, 1912.

[Filed with Secretary of State March 31, 1913.]

WHEREAS, The city of San Rafael, a municipal corporation of the county of Marin, State of California, now is, and was at all times herein referred to, a city containing a population of more than three thousand five hundred, but less than ten thousand inhabitants; and

San
Rafael,
charter.

WHEREAS, At a special election duly held in said city on the 29th day of May, 1912, under and in accordance with the law and the provisions of section 8 of article XI of the constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within one hundred and twenty days after the result of said election was declared, prepare and propose a charter for the government of said city of San Rafael; and

WHEREAS, Said charter was on the 28th day of September, 1912, signed in duplicate by a majority of said board of freeholders and was thereupon duly returned and filed, one copy with the city clerk of said city of San Rafael, and the other copy with the county recorder of said county of Marin, and filed in the office of said county recorder; and

WHEREAS, Said proposed charter was thereafter published three times in *The Independent*, a weekly newspaper of general circulation, printed, published and circulated in the city of San Rafael, on the following days of publication, to wit: October 8th, 1912, October 15th, 1912, and October 22d, 1912, the first publication thereof having been made within fifteen days after the filing of the copy thereof as aforesaid in the office of the said city clerk; and

WHEREAS, Said proposed charter was, not less than twenty days nor more than forty days after the completion of said publication, to wit: On the 30th day of November, 1912, submitted by the board of trustees of the city of San Rafael to the qualified electors of said city at a special election duly called and held therein on said 30th day of November, 1912; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of San Rafael, voting at said special election, voted in favor of said ratification and duly ratified said charter as proposed as a whole; and

San
Rafael
charter.

WHEREAS, Said board of trustees, after canvassing the return of said last mentioned special election duly found and declared that a majority of said qualified electors voting at said special election had voted for, and ratified said charter as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment in accordance with section 8 of article XI of the constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER OF CITY OF SAN RAFAEL.

Prepared and proposed by a board of freeholders elected May 29, 1912, pursuant to the provisions of section 8, article XI, of the constitution of the State of California.

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ARTICLE I.

NAME, RIGHTS AND LIABILITIES OF THE CITY.

Name of the city.

Name. SECTION 1. The municipal corporation now existing and known as the city of San Rafael shall remain and continue a body politic and corporate in name and in fact, by the name of the "City of San Rafael," and by that name shall have perpetual succession.

Rights and liabilities.

Rights. SEC. 2. The city of San Rafael shall remain vested with, and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality. All ordinances of said city, now known as the city of San Rafael, not in conflict with this charter, shall be continued in force until amended or repealed, and all proceedings providing for any public improvement pending and uncompleted shall be continued in accordance with the law under which said proceedings were commenced.

Liabilities.

ARTICLE II.
BOUNDARIES.

SECTION 1. The boundaries of the city of San Rafael are as follows: Beginning at the point of intersection of the westerly line of the public highway leading from San Rafael to Kentfield (formerly known as Ross Landing), by way of D street grade, with the southerly boundary line of the lands conveyed by John Reynolds to John O. B. Short and Jacob Short by a deed dated June 22, 1864, and recorded in the office of the recorder of Marin county in liber E of deeds, at page 112, said point of beginning being near the summit of the ridge immediately south of the city of San Rafael; running thence along the said ridge in a general westerly direction, following the southerly boundary line of the lands conveyed by John Reynolds as aforesaid and following the southerly boundary line of the lands conveyed by John Simms to John O. B. Short and Jacob Short by a deed dated January 14, 1865, and recorded in the office of said recorder in liber E of deeds, at page 251, to an oak tree standing at the most northerly corner of what was formerly designated as the "Hooper tract" and described in a deed from William B. Hooper to Jonathan G. Kittle dated October 17, 1881, and recorded in the office of said recorder in liber W of deeds, at page 352; thence leaving the summit of the ridge and running northwesterly in a direct line to a point which is south 45 degrees west twenty-five feet from the southwesterly corner of the town of San Rafael as the corporate limits thereof were surveyed in the month of April, 1874, by order of the board of trustees of said town; thence due north to a point on the summit of the aforesaid ridge, said point being in the northerly boundary line of the tract of land which was conveyed by Rebecca J. Makin and Robert G. Makin to Jonathan G. Kittle by a deed dated the 5th day of December, 1881, and recorded in the office of said recorder in liber W of deeds, at page 344; thence continuing westerly along said summit and said northerly boundary line of the tract of land conveyed to Jonathan G. Kittle to a point which is due south from the highest point in the traveled portion of the public highway leading from San Rafael to San Anselmo, as said highway existed in the month of May, 1889, thence in a general northerly direction, along the summit of a spur or ridge which divides the waters flowing toward San Rafael from those flowing into the San Anselmo valley, to the summit of a ridge on the lands of the estate of Alexander Forbes, deceased, which said ridge lies between the aforesaid public highway leading from San Rafael to San Anselmo and the street formerly known as Culloden avenue, but now known as Fifth avenue, extending westerly from San Rafael to Mount Tamalpais cemetery; thence in a direct line northerly to the northeast corner of the tract of land which was conveyed by Henry A. Du Bois, Jr., to the Mount Tamalpais cemetery by a deed dated the 6th day of July, 1880, and recorded in the office of said recorder in liber

Bound-
aries.

U of deeds, at page 554, said point being on the summit of the ridge lying immediately south of the San Margarita valley; thence in a general easterly direction along the summit of the last mentioned ridge, crossing and subdividing the lands of the said Forbes estate, to a white oak tree standing in the westerly boundary line of the tract of land which was conveyed by Arthur W. Foster to Louisiana S. Foster by a deed dated the 2d day of December, 1885, and recorded in the office of said recorder in book 2 of deeds, at page 474; thence northerly and easterly along the westerly and northerly boundary lines of said tract conveyed to Louisiana S. Foster to a madrone tree standing at the most easterly corner thereof; thence northerly and easterly along the westerly and northerly boundary lines of the tract of land which was conveyed by Alexander Forbes to William T. Coleman by a deed dated the 5th day of October, 1871, and recorded in the office of said recorder in liber J of deeds at page 306, to the Dixon Puerto Suello, the depression in the San Pedro ridge where said ridge is crossed by the county road leading from San Rafael to Petaluma; thence easterly along said ridge, following the southerly boundary line of the "Wagner tract," which was conveyed by Henry C. Campbell to O. C. Miller by a deed dated the 28th day of March, 1889, and recorded in the office of said recorder in book 9 of deeds, at page 424, and following the southerly boundary line of the "Kimball tract," which was conveyed by A. McCartney to Edward Gray Stetson by a deed dated the 26th day of August, 1887, and recorded in the office of said recorder in book 5 of deeds, at page 371, to a live oak tree standing at the common corner of the said "Kimball tract," the tract containing 515 57/100 acres of land, which was conveyed by Mary E. McAlester to Ada M. I. McMahon and others by a deed dated April 18, 1904, and recorded in the office of said recorder in book 87 of deeds, at page 130, and the tract of land which was conveyed by Ellen Ford to M. T. Freitas by a deed dated the 9th day of December, 1903, and recorded in the office of said recorder in book 85 of deeds, at page 165; thence descending in a general southerly direction along a spur of the said San Pedro ridge, which spur divides the waters flowing into the San Rafael valley from the waters flowing direct to the bay of San Francisco, to a point in the San Rafael and Point San Pedro road at Oak Point; thence easterly along the said San Rafael and Point San Pedro road to the point where the same enters the salt marsh; thence crossing the salt marsh in a general southwesterly direction to a stake marked "T. L. S. 55" standing on the edge of the salt marsh at the point of a ridge or spur which lies immediately east of the valley formerly known as the "Laurel grove picnic grounds"; thence southeasterly, ascending along the summit of said spur or ridge, to the summit of the main ridge at a point in the southerly boundary line of the tract of land which was conveyed by David Porter to William T. Coleman by a deed dated the 27th day of May, 1871, and recorded in the

office of said recorder in liber J of deeds, at page 99, thence ^{Bound-} westerly along said ridge, and following the line dividing the ^{aries.} tract conveyed to William T. Coleman as aforesaid from the tract of land conveyed by David Porter to F. S. Wensinger by a deed dated October 29, 1890, and recorded in the office of said recorder in book 13 of deeds, at page 107, and along the southerly boundary line of said lands conveyed by John Reynolds to John O. B. Short and Jacob Short as aforesaid to the point of beginning.

ARTICLE III.

POWERS OF THE CITY.

SECTION 1. Without denial or disparagement of other powers ^{Powers.} held under the constitution and laws of the state, the city of San Rafael shall have the right and power:

Perpetual succession.

SEC. 2. To have perpetual succession.

Official seal.

SEC. 3. To provide a corporate seal, with appropriate device, ^{Seal.} to be affixed to all instruments or writings needing authentication.

Sue and defend.

SEC. 4. To sue and defend in all courts and places and in all matters and proceedings. ^{May sue, etc.}

Property for public purposes.

SEC. 5. To purchase, receive, have, take, hold, lease, use, and enjoy property of every kind and description, both within and without the limits of said city, and to control and dispose of the same for the public benefit. ^{Acquire property for public purposes.}

Bequests and donations.

SEC. 6. To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable or for other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same, in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional. ^{Receive bequests, etc.}

Public works, buildings and institutions.

SEC. 7. To establish, maintain and equip libraries, reading rooms, parks, playgrounds, markets, and all other public buildings, places, works and institutions, and to carry on and conduct any and all kinds of business and to subsidize the same. ^{Establish public institutions.}

Telephone, telegraph and transportation.

SEC. 8. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable and electric or other railway and transportation service of any and every kind. ^{Acquire telephone and transportation systems.}

*Water, light, heat and power.*Acquire
public
service
works.

SEC. 9. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water-works, gas works, electric light, heat and power works within and without the city, and to supply the city and its inhabitants, and also persons, firms or corporations or cities or towns outside the city with water, gas, heat and electricity.

*Sale of products of public utility.*Sell prod-
ucts of
public
utility.

SEC. 10. To sell gas, water, electric current, and all products of any public utility operated by the city.

*Land for public utilities.*Acquire
property
for public
utilities.

SEC. 11. To acquire by purchase, condemnation, suit or otherwise, within and without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility, or to provide for and effectuate any other public purpose, and to sell, convey and dispose of the same for public benefit.

Leases of property.

SEC. 12. To lease, by ordinance, to corporations or individuals, for the purpose of maintenance and operation of any public utility owned by the city, and to provide for the lease of any lands now or hereafter owned by the city, except buildings or lands donated, purchased, acquired or used for public parks or public libraries.

*Eminent domain.*Eminent
domain.

SEC. 13. To exercise the right of eminent domain, for the purpose of acquiring real and personal property of every kind for any public use.

*To borrow money.*Borrow
money.

SEC. 14. To borrow money for any of the purposes for which the city is authorized to provide, and for carrying out any of the powers which the city is authorized to enjoy and exercise, and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

*Special tax.*Special
tax.

SEC. 15. To raise money by special tax in addition to the annual tax levy provided in article XII of this charter. To authorize such special tax the council shall submit to the electors of the city the question whether such tax shall be raised, by advertising a notice of such election in a newspaper published in said city once a week for three successive weeks, specifying the time and place of holding the election, the amount of money proposed to be raised, and the purpose for which it is intended to be used. Such election shall take place within twenty-five days after the first publication of

said notice, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote at said election. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to issue warrants therefor, and provide in the next succeeding tax levy for their payment, with interest not exceeding five per cent per annum. Or the council may be authorized by such election to levy a special tax each year for a period of years, not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

Police power.

SEC. 16. To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof. Police power.

Improvement of streams.

SEC. 17. To improve the inlets, waterways and channels flowing through the city or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to control and improve the water front of the city; and to acquire, own, construct, maintain and operate on any lands bordering on said waterways, inlets and channels, within the limits of said city or contiguous thereto, wharves, chutes, piers or bathhouses. Improve streams, etc.

Grading and opening streets.

SEC. 18. To build and repair bridges; to establish, lay out, alter, open, keep open, close, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city; to drain, sprinkle, oil and light the same; to remove all obstructions therefrom; to establish or change the grades thereon; to grade, pave, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks thereon or on any part thereof; to cause to be planted, set out and cultivated shade trees thereon; and generally to manage and control such highways and places. Street work.

Fire department.

SEC. 19. To equip and maintain a fire department, and to make all necessary regulations for the prevention of fires. Maintain fire department.

Nuisances.

SEC. 20. To provide for the abatement of any nuisance at the expense of the persons creating, causing, committing or maintaining such nuisance. Abate nuisances.

Rewards.

SEC. 21. To offer rewards, not exceeding two hundred and fifty dollars in any one instance, for the apprehension and conviction of any person who may have committed a felony in the city, and to authorize the payment thereof. Rewards for persons committing a felony.

*Fire limits.*Prescribe
fire limits.

SEC. 22. To prescribe fire limits and determine the character and height of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

*Building regulations.*Regulate
building.

SEC. 23. To regulate the construction and location of, and the materials used in, all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in, and the method of construction of, foundations and foundation walls, the materials, manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

*Fire escapes.*Require fire
escapes.

SEC. 24. To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

*Precautions against fires.*Precaution
against
fire.

SEC. 25. To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to prevent the depositing of ashes, the accumulation of shavings, rubbish or any combustible material in unsafe places, and to make provisions to guard against fires.

*Provisions for safety in theaters, halls, etc.*Regulate
theater
exits, etc.

SEC. 26. To regulate the size and construction of the entrances to and exits from all theaters, lecture rooms, halls, schools, churches and other places for public gathering of every kind, and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

*Provisions for safety in streets.*Regulate
speed of
trains, etc.

SEC. 27. To regulate the speed of railroad trains, engines and cars passing through the city, and the speed of cars of street or interurban railway companies using the public streets of the city; to require railroad companies to station flagmen, place gates or signals at all such street crossings as the council may deem proper; to require street cars and local trains to be public; to prohibit the making up of railroad trains on any of

the street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, motorcycles, automobiles, or other vehicles along or upon any of the streets or highways, of the city; to prohibit the blocking or obstructing by railroad trains of any of the street crossings or street intersections of the city.

Improper use of streets.

SEC. 28. To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal.

Regulate use of streets.

Weeds and rubbish on sidewalks.

SEC. 29. To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds therefrom and from the alley and sidewalk thereof, and on default to authorize the removal or destruction thereof by some officer or employee of the city, at the expense of such owner or occupant.

Owners to remove weeds, etc., from sidewalk.

Billboards and signs.

SEC. 30. To regulate, license or prohibit the construction and use of billboards and signs.

Use of billboards.

Public pound.

SEC. 31. To prevent or regulate the running at large of any fowls or animals, and to establish and maintain a pound, and authorize the destruction or other disposition of any fowls or animals running at large.

Establish public pound.

Dogs.

SEC. 32. To regulate and prevent the running at large of dogs; to provide for the destruction of vicious dogs, and to require the payment of license fees by the owners or persons having the possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

Dog licenses.

Preservation of health.

SEC. 33. To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

Prevent contagious diseases, etc.

Dangerous and offensive occupations; disagreeable noises.

SEC. 34. To regulate or prohibit the operation of all manufacturing, occupations, and trades which may be of such a

Regulate occupations.

nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons who may permit the same to be maintained in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive or injurious noises.

Inspection of food products.

Health officer to inspect food.

SEC. 35. To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated or unwholesome, and to regulate and prevent the bringing into the city, or having or keeping within the city, any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

Regulate dairies, etc.

SEC. 36. To provide for the regulation and inspection of all dairies, slaughterhouses and creameries that offer for sale any of their products in the city.

Lodging, tenement and apartment houses.

Regulate lodging houses.

SEC. 37. To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same, and to require that they be put and kept in proper sanitary condition.

Sewer connections.

Sewers.

SEC. 38. To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools and vaults, and to compel the connecting, cleaning or emptying of the same, and to designate the time and manner in which the work shall be done.

Garbage.

Provide garbage disposal.

SEC. 39. To provide for the treatment of and collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, offal and waste matter.

Licensing business.

License business.

SEC. 40. To license, for purpose of regulation and revenue, all and every kind of business not prohibited by law, and all shows, exhibitions and lawful games carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

Weights and measures.

Inspect weights and measures.

SEC. 41. To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

Taxation.

SEC. 42. To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided. Taxes.

Erroneously collected taxes.

SEC. 43. To order the repaying to the persons entitled thereto by the treasurer of any taxes, percentages or costs erroneously or illegally collected. Refund taxes.

Fees.

SEC. 44. To fix the fees and charges for all official services not otherwise provided for in this charter. Fix fees.

Purchase of property under execution.

SEC. 45. To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Regulation of public utility rates.

SEC. 46. To fix and determine, by ordinance, in the month of February of each year, and to take effect the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city for the use of water, heat, light, power or telephone service supplied to the city or its inhabitants, and to prescribe the quality of the service. Fix public utility rates.

Railroads to keep streets in repair.

SEC. 47. To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the track occupied by the company, and to sprinkle the same. Railroads to repair streets.

Spur tracks.

SEC. 48. To permit the laying down of spur or side tracks and running of cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroads which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council; such tracks not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or a portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street, and must be operated under such restrictions as not to interfere with the use of the street by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council. Permit spur tracks.

Regulation of poles and wires.

SEC. 49. To cause the removal and placing under ground of all telephone, telegraph, electric light or other wires within Regulate telephone, etc., wires.

the city or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

Size and location of pipes.

Regulate
pipes.

SEC. 50. To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

Elections.

Make
election
rules.

SEC. 51. To make all rules and regulations governing elections not inconsistent with this charter.

Park commission.

Establish
park com-
mission.

SEC. 52. To establish a park commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Improvement of waterways.

Improve
waterways.

SEC. 53. To acquire by purchase or otherwise and own, operate and control all machinery and all appliances necessary for the improvement of waterways.

Violation of charter and ordinances.

Penalty
for viola-
tion of
charter.

SEC. 54. To prescribe fines, forfeitures and penalties for the violation of any provision of this charter, or of any ordinance; but no penalty shall exceed a fine of five hundred dollars or six months' imprisonment, or both.

General grant of power.

General
powers.

SEC. 55. To exercise such other powers as are now or may be hereafter granted by the legislature to the municipalities within the state, unless the exercise of such powers is contrary to the provisions of this charter; to exercise all other needful powers for the efficient administration of the municipal government, or for the welfare of the city or its inhabitants, whether such powers are herein expressly enumerated or not; and to enact appropriate legislation, and do or perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or of any of the provisions of this charter.

General laws followed.

General
law of
state to
prevail.

SEC. 56. In the absence of any procedure for carrying out or effectuating any granted or implied power or authority, the general law of this state, where applicable and where not inconsistent with any express provision of this charter, shall prevail and shall be followed.

Direct legislation by the people.

Initiative

SEC. 57. The qualified voters of the city shall have the power, through the initiative and otherwise, as provided in this charter and the general laws of the state, to enact appropriate

legislation to carry out and enforce any of the general or implied powers of the city.

Liberal construction.

SEC. 58. Lastly, this grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants. Grant of power to be liberally construed.

ARTICLE IV.

ELECTIONS.

General and special municipal elections.

SECTION 1. A municipal election shall be held in the city on the second Monday in April, 1915, and on the second Monday in April every second year thereafter, and shall be known as the general municipal election. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections. General and special municipal elections.

Nomination and election of city officers.

SEC. 2. The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise: Nomination and election.

SEC. 3. The name of a candidate shall be printed upon the ballot when a petition and nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Form of nomination petition.

SEC. 4. The petition of nomination shall consist of not less than fifty nor more than one hundred individual certificates, which shall read substantially as follows: Nomination petition.

Individual certificate.

SEC. 5. Petition of nomination.

STATE OF CALIFORNIA, }
COUNTY OF MARIN, } SS.
CITY OF SAN RAFAEL. }

I, the undersigned, do solemnly swear (or affirm) that I am a qualified elector of the city of San Rafael, and I hereby join in a petition for the nomination of _____, whose residence is at No. _____ street, San Rafael, for the office of _____, to be voted for at the municipal election to be held in the city of San Rafael on the _____ day of _____, 19__; and I further declare that I am not at this time a signer of any other petition for the above named office, or in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office.

Subscribed and sworn to before me this _____ day of _____, 19__.

Notary or Verification Deputy.

The petition of nomination of which this certificate forms a part, shall, if found insufficient, be returned to ----- at No. ----- street, San Rafael, California.

Forms to be supplied by city clerk.

City clerk
to furnish
forms.

SEC. 6. It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Requirements of certificate.

Certifi-
cates.

SEC. 7. Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name of the signer thereto and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this article. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Verification deputies.

Verifica-
tion
deputies.

SEC. 8. Verification deputies, under this article, must be qualified electors of the city, and shall be appointed by the city clerk upon application in writing signed by not less than five qualified electors of the city. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purpose whatsoever, and their appointments shall continue only until all petitions of nomination, under this article, shall have been filed with the city clerk.

Date of presenting petition.

Nomina-
tion peti-
tion, when
to be
presented.

SEC. 9. A petition of nomination, consisting of not less than fifty nor more than one hundred individual certificates for any one candidate, may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

Examination of petitions by city clerk.

SEC. 10. When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this article. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this article. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this article.

Examina-
tion of
petitions.

Withdrawal of signatures.

SEC. 11. Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition with the city clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

With-
drawal of
signatures.

Withdrawal of candidate.

SEC. 12. Any person whose name has been presented under this article as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty-one days prior to such election.

With-
drawal of
candidate.

Filing of petitions.

SEC. 13. If either the original or amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of election; *provided*, that petitions of nomination made pursuant to section 12 of this article shall be filed by the clerk twenty days before the date of election; *provided*, that if any petition be returned pursuant to section 10 of this article, two days shall be allowed to amend and again present the same.

Filing of
petitions.

Preservation of petitions.

SEC. 14. The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this article.

Preserva-
tion of
petitions.

Election proclamation.

SEC. 15. Immediately after such petitions are filed the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall on the twentieth day before

Election
proclama-
tion.

the election certify such list as being the list of candidates nominated, as required by the charter of the city of San Rafael, to the city council, which shall meet on said twentieth day before the election for the purpose of receiving such list. Said council shall thereupon cause said certified list of names and the offices to be filled, designated whether for a full term or unexpired term, to be published for two weeks before the election in not less than one weekly newspaper of general circulation published in the city of San Rafael. Said proclamation shall conform in all respects to the general law governing the conduct of municipal elections now or hereafter in force, except as above required.

Form of ballots.

Form of
ballot.

SEC. 16. The city clerk shall cause the ballots to be printed and bound and numbered as provided for by the state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation, and shall be in substantially the following form:

SEC. 17.

GENERAL (OR SPECIAL) MUNICIPAL ELECTION.
THE CITY OF SAN RAFAEL.

Instruc-
tions to
voters.

Instructions to Voters: To vote stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector and obtain another.

Requirements of ballots.

Require-
ments of
ballots.

SEC. 18. All ballots printed shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side for charter amendments or other questions to be voted upon at the municipal election, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Every nominee to be on ballot.

All
nominees
to be on
ballot.

SEC. 19. The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Arrangement of offices on ballot.

Arrange-
ment.

SEC. 20. The offices to be filled shall be arranged in separate columns, in the following order:

“For mayor

Vote for one,

- “For councilmen
Vote for (giving number).
- “For member of board of education
Vote for (giving number).
- “For city clerk (if any)
Vote for one.
- “For city assessor (if any)
Vote for one.
- “For city treasurer (if any)
Vote for one.
- “For city tax and license collector (if any)
Vote for one.
- “For chief of police (if any)
Vote for one.
- “For city attorney (if any)
Vote for one.
- “For police judge (if any)
Vote for one.”

Space for voting cross.

SEC. 21. A half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross. Square for voting cross.

Blank spaces for additional candidates.

SEC. 22. Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote. Space for additional candidates.

Sample ballots.

SEC. 23. The clerk shall cause to be printed sample ballots identical in form with the ballot to be used at the election, but of different colored paper, and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election. Sample ballots furnished.

Vote necessary for election.

SEC. 24. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such election shall be declared entitled to the office for which they are candidates. Votes necessary for election.

Failure of person elected to qualify.

SEC. 25. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as herein provided. Person elected fails to qualify.

Informalities in elections.

SEC. 26. No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter. Informalities do not invalidate.

General election regulations.

Provisions
of state
law apply.

SEC. 27. The provisions of the state law in force at the time of holding any city election relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections; *provided*, that the council shall meet as a canvassing board and duly canvass the election returns on the fourth day after a municipal election and declare the results.

Control of city elections.

Control
of city
elections.

SEC. 28. The conduct and carrying on of all city elections shall be under the control of the council, and the council shall, by ordinance or resolution, provide for the holding of all city elections, and may direct and subdivide the municipality into municipal election precincts for the holding of municipal elections, and change and alter such precincts and re-district the municipality for such elections as often as occasion may require. Unless the boundaries of the precincts shall be changed, as herein provided, they shall remain as fixed for the election of state and county officers at the last general election preceding the city election.

Compensation of election officers.

Compensa-
tion, elec-
tion
officers.

SEC. 29. At each city election each of the election officers shall receive such compensation for his services as the council shall fix.

Filing of election figures.

Election
returns.

SEC. 30. The election returns from each municipal election precinct shall be filed with the city clerk, who shall immediately place them in the safe or vault in the city clerk's office, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the council. After having been canvassed, they shall be sealed up by the city clerk for six months, and no person shall have access to them except on the order of a court of competent jurisdiction.

Certificates of election.

Certificates
of election.

SEC. 31. After the result of an election is declared, or when an appointment is made, the city clerk shall, under his hand and official seal, issue a certificate thereof and serve the same personally or by depositing such certificate, with the postage prepaid, in the United States post office in San Rafael, addressed to the person elected or appointed; and such person must, before taking office, file his official bond, if a bond is required of him by this charter or the ordinance of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the city clerk.

ARTICLE V.

INITIATIVE, REFERENDUM AND RECALL.

SECTION 1. The initiative.

Preliminaries to filing petition.

(1) The qualified electors of the city shall have power to propose by petition, and adopt at the polls, any ordinance which may be enacted under this charter. Such ordinance may be proposed by filing with the city clerk a petition setting forth said ordinance in full, signed by qualified electors of the city as many in number as hereinafter required of the entire vote cast at the last preceding general municipal election. Before any petition for such submission of a proposed ordinance shall be circulated, an affidavit by or on behalf of its proponents shall be filed with the city clerk containing the following: A copy of the proposed ordinance; a statement in not more than two hundred (200) words giving the proponents' reasons for the adoption of such ordinance; a statement of the intention to secure the submission of said ordinance to a vote of the electors by an initiative petition; and the address of the party making such affidavit. The council shall have ten (10) days after the filing of such affidavit in which to formulate and send by registered mail to the address given in such affidavit a statement in not more than two hundred (200) words of the reasons why such proposed ordinance should not be adopted. These reasons for and against the adoption of the proposed ordinance shall be printed as a part of each individual certificate forming a part of the petition.

Initiative; preliminaries to petition.

Form and condition of petition.

(2) The initiative petition shall consist of individual certificates signed by qualified electors of the city as many in number as hereinafter required. The form and conditions of each certificate and mode of certification shall be substantially as follows:

Form of petition.

(Individual certificate.)

INITIATIVE PETITION TO THE COUNCIL.

REQUIRING THE SUBMISSION AT A SPECIAL (OR GENERAL)
MUNICIPAL ELECTION

(The above heading must be printed in type of a 24-point roman face, caps and lower case.)

Of a proposed ordinance entitled:

(Here insert title of ordinance.)

Proponent's reasons
for adopting ordinance:
(here insert such reasons).

Council's reasons for
not adopting ordinance:
(here insert such reasons).

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit to the vote of the electors of the city of San Rafael, at a special municipal election (or general municipal election), that certain proposed ordinance entitled (here insert title of ordinance), to a copy

of which this certificate is attached; unless said ordinance be passed by the council, without alteration, when and as provided in the charter of the city of San Rafael.

I further certify that I have read the proposed ordinance and the above reasons for and against the adoption of said ordinance, and am in favor of its adoption; that I am a qualified elector of the city of San Rafael, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. _____ street, between _____ street and _____ street, in said city; and that my occupation is _____

(Signed) _____

STATE OF CALIFORNIA,)
 COUNTY OF MARIN,) ss.
 CITY OF SAN RAFAEL.)

_____, being duly sworn, deposes and says: That he is the person who signed the foregoing certificate, and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me
 this _____ day of _____, 19__

(Signed) _____

Verification Deputy (or notary public).

The petition of which this certificate forms a part shall, if found insufficient, be returned to _____, No. _____ street, San Rafael, California.

The provisions of subdivision 4, of section 3 of this article, applying to recall petitions, shall apply to petitions filed under this section.

Twenty per cent petition.

Twenty
per cent
petition.

(3) If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to twenty (20) per centum of the entire vote cast at the last preceding general municipal election, and contain a request that said ordinance be submitted forthwith to a vote of the people at a special election therefor, then either:

(a) The council shall pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition; or,

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election, at which such ordinance, without alteration, shall be submitted to the vote of the electors, unless some general or special municipal election occurs not earlier than thirty (30) days and not later than ninety (90) days after the city clerk shall have attached such certificate of sufficiency, in which latter event said measure shall be voted on at such special or general municipal election.

Ten per cent petition.

(4) If a petition be signed by qualified electors equal in number to ten (10) per centum of the entire vote cast at the last preceding general municipal election, and contain a request that said ordinance be submitted to a vote of the electors at a general municipal election, then such ordinance, without alteration, shall be so submitted by the council at the next general municipal election that shall occur at any time after twenty (20) days from the date of the attachment of the certificate of sufficiency to the petition accompanying such ordinance, unless the council shall have, prior to the time of calling such election, passed such ordinance without alteration.

Ten
per cent
petition.

Limitations for petitions.

(5) No individual certificate provided for in this section shall be valid or sufficient unless the same shall have been signed within three (3) months prior to the presentation to the clerk of the petition of which it forms a part. No initiative petition requesting the submission of an ordinance at a special municipal election, and having an insufficient number of signatures to require such special election, but having the required number for submission of said measure at a general municipal election, shall, by virtue thereof, be sufficient to require the submission of such ordinance at a general municipal election. No initiative petition requesting the submission of an ordinance at a general municipal election, and having a sufficient number of signatures to have required the submission of said ordinance at a special municipal election, shall, by virtue thereof, be sufficient to require the calling of a special municipal election.

Limita-
tions on
petitions.

Measure to be mailed to voters.

(6) Whenever any ordinance is required under the initiative or referendum provisions of this charter to be submitted to the voters of the city at any election, the council shall cause the ordinance, together with such arguments for and against it as may have been printed on the individual certificates constituting the initiative or referendary petition, to be printed, and it shall be the duty of the city clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter at least five (5) days prior to the election. The council may cause said ordinance to be printed once in a newspaper of general circulation published in the city one week preceding the date of such election.

Measure
mailed to
voters

Election.

(7) The ballots used when voting upon such proposed ordinance shall set forth in full the title of the proposed ordinance, and shall state the general nature of the proposed ordinance, and shall contain the words, "For the Ordinance," and "Against the Ordinance." If a majority of the qualified electors voting on said proposed ordinance shall vote in favor

Election.

thereof, such ordinance shall take effect (5) days after the declaration of the official canvass.

Several ordinances at one election.

Any number of ordinances at one election.

(8) Any number of proposed ordinances under the initiative and any number of ordinances under the referendum may be voted upon at the same election, in accordance with the provisions of this section.

Limit to special elections.

Special elections limited.

(9) There shall not be held under this section more than one special election in any period of one year.

Competing and conflicting measures. Repeal.

Conflicting measures

(10) When there are two or more ordinances proposed to secure the same general purpose, the council shall so declare, and shall have the ballot so printed that the voter (first) can choose between any ordinance or none, and (second) can express his preference for any one. If a majority of the votes on the first question is affirmative, then the ordinance receiving the highest number of votes shall become law, and the others shall fail of passage. In case two or more ordinances are tied for the highest vote, they shall be resubmitted at the next ensuing general municipal election. If there is a conflict between two or more ordinances adopted at the same election, then the ordinance receiving the highest affirmative vote shall prevail. No ordinance approved by the electorate under the provisions of this article shall be amended or repealed except by a vote of the electorate, unless such ordinance shall otherwise provide.

Repeal.

Election is mandatory.

Election mandatory

(11) If any ordinance proposed by initiative petition or upon which a referendum vote is requested by petition, in accordance with the provisions of this charter, be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such ordinance has been submitted to a vote; and no bond issue or other ordinance proposed by the council shall be submitted to the voters unless at the same election, or prior thereto, there shall be submitted to the voters the ordinance or ordinances upon which a vote is requested by petition, if any vote be so requested and upon which a vote has not been taken at or within the time elsewhere specified in this charter. This section is prohibitory and mandatory.

Substantial compliance.

Substantial compliance.

(12) A substantial compliance with the provisions of this section shall be sufficient for the holding of an election hereunder and the approval or rejection of any measure submitted thereat.

Further regulations.

Further regulations.

(13) The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section and to adapt the provisions of article IV thereto.

SEC. 2. The referendum.

Mode of protesting against ordinances.

(1) No ordinance passed by the council shall go into effect before thirty days from the time of its final passage, except when otherwise required by the general laws of the state, or by the provisions of this charter, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a unanimous vote of the council; *provided*, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote provided in subdivision 7 of this section. If during said thirty days a petition signed by qualified electors of the city equal in number to at least ten (10) per centum of the entire vote cast at the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof.

Referendum mode of protest.

Preliminaries to filing petition.

(2) Before any petition for the submission of an ordinance to the referendary vote of the electors shall be circulated, an affidavit by or on behalf of its proponents shall be filed with the city clerk containing the following: A copy of the ordinance or measure; a statement in not more than two hundred (200) words giving the opponent's reasons against the adoption of such ordinance; a statement of the intention to secure the repeal of such ordinance, or else its submission to a vote of the electors by the referendary petition; and the address of the party making such affidavit. The council shall have ten (10) days after the filing of such affidavit in which to formulate and send by registered mail to the address given in such affidavit a statement in not more than two hundred (200) words of the reasons why such ordinance should be adopted. These reasons for and against the adoption of the ordinance shall be printed as a part of the individual certificate forming a part of the petition.

Preliminaries

Forms and conditions of petition.

(3) The referendary petition shall consist of individual certificates, signed by qualified electors as many in number as hereinbefore required. The forms and conditions of each certificate and the mode of certification and verification shall be substantially as follows:

Form of petition

(Individual certificate.)

REFERENDARY PETITION TO THE COUNCIL.
 REQUIRING THE SUBMISSION AT A SPECIAL (OR GENERAL)
 MUNICIPAL ELECTION.

(The above heading must be printed in a type of a 24-point roman face, caps and lower case.)

Of that ordinance entitled:

(Here insert title of ordinance or measure.)

Opponent's reasons against adopting ordinance: Council's reasons for adopting ordinance:

(here insert such reasons). (here insert such reasons).

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith repeal, or else submit, as provided in the charter, to the vote of the electors of the city of San Rafael, at a special municipal election (or general municipal election), that certain ordinance entitled (here insert title of ordinance), to a copy of which this certificate is attached, passed by the council on the _____ day of _____, 19__.

I further certify: That I have read the ordinance hereby protested against, and the above reasons for and against the adopting of said ordinance, and I am against its adoption; that I am a qualified elector of the city of San Rafael, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. _____ street, between _____ street and _____ street, in said city, and that my occupation is _____

(Signed) _____

STATE OF CALIFORNIA, }
 COUNTY OF MARIN, } ss.
 CITY OF SAN RAFAEL. }

_____, being duly sworn, deposes and says: That he is the person who signed the foregoing certificate, and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19__.

(Signed) _____

Verification Deputy (or notary public).

The petition of which this certificate forms a part shall, if found insufficient, be returned to _____, No. _____ street, San Rafael, California.

The provisions of subdivision 4 of section 3 of this article, applying to recall petitions, shall apply to petitions filed under this section.

Time of election.

(4) If a petition be filed more than thirty days and less than ninety days prior to a general municipal election, the ordinance or measure shall be submitted at such general municipal election; otherwise it shall be submitted at the next

general municipal election, or at a special municipal election called prior thereto, as the council shall decide.

Conduct of election.

(5) Subdivision six (6), seven (7), eight (8) and twelve (12), of section one (1) of this article, applying to the initiative, shall govern elections held under authority of this section, so far as possible. Conduct of election.

Result of election.

(6) If a majority of votes cast on any ordinance or measure submitted on petition or referred by the council on its own motion to the electors, in accordance with the provisions of this section, shall be in favor thereof, it shall go into effect five (5) days after the declaration of the official canvass; otherwise it shall be considered repealed or rejected. The provisions of subdivision ten (10) of section one (1) of this article, relating to conflicting and competing measures under initiative elections, shall apply to conflicting and competing measures under referendary elections. Result.

Franchise measure.

(7) No ordinance passed by the council granting any franchise shall go into effect until the expiration of sixty (60) days from the date it becomes final. At the end of such sixty (60) days such ordinance shall be in force and effect, unless within such period there shall be filed with the city clerk a referendary petition, signed by qualified electors equal in number to ten (10) per cent of the entire vote cast at the last preceding general municipal election, requesting that such ordinance be submitted to the electors at the next occurring general or special municipal election. If such referendary petition is duly filed with the city clerk, requiring that a franchise be referred to a vote of the electors at the next occurring general or special municipal election, and if the applicant for the franchise desires action thereon earlier than the next occurring general or special municipal election, then a special municipal election for the determination of such question may be called by the council; *provided*, that the applicant pay one half of the expenses of such special election, as such expense may be determined by the council. In case that such referendary petition is duly filed, such ordinance shall not go into effect until approved by a majority of the voters voting thereon at an election as herein provided. Franchises.

Reference of measures to popular vote.

(8) Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances submitted on petition. Council may refer measures to electors.

*Further regulations.*Further
regula-
tions.

(9) The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section, and adapt the provisions of article IV thereto.

SECTION 3. The recall.

*Applies to all elective officers.*Recall:
applies to
elective
officers.

(1) Every incumbent of an elective office, whether elected by popular vote or appointed thereto to fill a vacancy, shall be subject to removal from office by the proceedings provided in this section. Such proceedings shall be known as recall proceedings, and shall be as follows:

Petition for recall.

Petition.

(2) A petition signed by qualified electors equal in number to twenty (20) per cent of the entire vote cast at the last preceding general municipal election, requesting the calling of an election to determine whether the incumbent of an elective office shall be removed, shall be addressed to the council and presented to the city clerk. The petition may request that the question of such removal shall be submitted at a special municipal election, or at the next general municipal election.

Form of petition.

Form.

(3) The petition for recall and removal from office shall be substantially in the following form:

(Individual certificate.)

PETITION TO THE COUNCIL REQUIRING A SPECIAL MUNICIPAL ELECTION.

(If such be the case.)

For the recall of (name of officer).

From the office of (name of office).

Reasons for the recall of (name of officer) from the office of (name of office): (here insert the reasons).

Reasons against the recall of (name of officer) from the office of (name of office): (here insert the reasons).

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit to the vote of the electors of the city of San Rafael, at a special (or the next general) municipal election, the question whether (name of officer) shall be recalled and removed from the office of (name of office). I further certify that I have read the foregoing reasons for and against the recall of said officer, and believe that he should be recalled; that I am a qualified elector of said city; that I reside at No. _____ street, between _____ street and _____ street, in said city, and that my occupation is _____.

(Signed) _____

STATE OF CALIFORNIA,
COUNTY OF MARIN, } ss.
CITY OF SAN RAFAEL.

_____, being duly sworn deposes and says: That he is the person who signed the foregoing

certificate, and that the statements therein contained are true and correct.

(Signed)-----

Subscribed and sworn to before me this -----
day of -----, 19-----.

(Signed)-----

Verification Deputy (or notary public).

The petition of which this certificate forms a part shall, if found insufficient, be returned to -----
at No.----- street, San Rafael, California.

Filing and examination of petition.

(4) Each certificate must be separate, and contain the name of but one signer, who must make oath before a notary public or verification deputy as to the truth of the statements therein. Such certificates shall be fastened together and bound as nearly as may be in lots of one hundred. Upon receipt of such petition, the city clerk shall endorse thereon the time it was received. He shall thereupon examine said petition to ascertain whether it conforms to the requirements of this charter. Within ten (10) days after such presentation, the city clerk must designate whether said petition so conforms, and shall attach thereto his certificate showing the result of his examination, and send by registered mail a copy of said certificate to the person named in said petition to whom it shall be returned. If the petition does not conform to said requirements, the certificate of the city clerk shall designate the defects in the petition and in the individual certificates. If the certificate of the city clerk shows the petition to be insufficient, it may be amended by presentation, within fifteen days after mailing said certificate of the city clerk, of an amended petition containing additional certificates. The city clerk shall, within seven days after the presentation of such amended petition, make like investigation and determination as to the amended petition, and attach to it a like certificate and mail a copy as aforesaid, and, if his certificate shall show the amended petition to be insufficient, or if no amended petition shall have been presented, the petition shall be returned to the person named therein to whom it shall be returned, without prejudice to the filing of a new petition to effect the same purpose. Should any certificate or certificates to the petition not substantially conform to the requirements of this charter, such fact shall not invalidate the petition if a sufficient number of the certificates substantially conform to such requirements. Should the city clerk find that the said petitions or amended petition conforms to such requirements, he shall endorse the fact thereon and file and present it to the council.

Filing and examination.

Statement of intention to circulate petition.

(5) Before any petition for recall is circulated, an affidavit in triplicate by or on behalf of the person or persons proposing such recall shall be made; one to be filed with the city clerk, one

Statement of intention.

to be left by him at the office of the officer sought to be recalled, and one to be sent by him by registered mail to the residence of such officer. Said affidavit shall contain the address of the person or persons making the same, a statement of the intention to circulate a petition for the recall of said officer, containing not more than two hundred (200) words, giving the reasons for such recall. Said officer may, within ten (10) days after the mailing of such affidavit, send by registered mail to the address of the party making such affidavit his answer thereto in not more than two hundred (200) words, and file a copy of such answer with the city clerk. Such statement and answer, if any, shall be printed on each individual certificate. No original petition for recall of any officer shall be presented to the city clerk later than forty (40) days after the filing of the affidavit.

Election under recall petition.

Election.

(6) If the officer sought to be removed fails to resign within five (5) days after the recall petition is filed, and the petition requests a special municipal election to be held, the council shall cause a special municipal election to be held within not less than thirty (30) nor more than forty-five (45) days after the filing of said petition to determine whether said officer shall be recalled; but if a general or special municipal election is to occur within ninety (90) days after the filing of said petition, the council may postpone the holding of such election to such general or special election.

Life of petition.

Life of
petition.

(7) If any question of recall, for which a petition has been filed, be not submitted to the electors of the city within the time specified, such petition shall remain in force until such question has been submitted.

Grounds of recall—officer's justification.

Grounds
of recall;
answer.

(8) There shall be printed on the sample and on the official ballots the statement of the reasons for the recall of the officer, and his answer, if any.

Recall ballots.

Ballots.

(9) The ballots at every election at which recall is to be voted upon shall contain the following question: "Shall (name of officer) be removed from the office of (name of office)?" Following the question shall be printed the words "Yes" and "No," on separate lines, with a voting square at the right of each, in which the voter shall stamp or write a cross (X) for or against such recall. All requirements of this charter relating to ballots at general municipal elections shall, so far as applicable, apply to all ballots at every election at which a question of recall is to be voted upon. The call for elections under this section shall be the same as the call for general or special municipal elections.

What constitutes a recall.

(10) After a petition for recall of a person from office has been filed, he may continue to perform the duties of his office until the council has canvassed the returns of the election and declared that a majority of the votes upon the question of his recall was cast in favor thereof, and thereupon said office shall become vacant. Recall in force, when.

No recall petition for six months.

(11) No recall petition shall be filed against any officer until he has held office for six (6) months. No recall for six months.

Ineligibility of recalled official.

(12) Any person who shall have been recalled, or who shall have resigned while recall proceedings were pending, shall not hold any municipal office within one (1) year thereafter. Period of ineligibility.

ARTICLE VI.

CITY OFFICIALS.

Elective officers.

SECTION 1. The elective officers of the city of San Rafael shall be: A mayor, four councilmen, five members of the board of education, a city clerk, a city attorney, a chief of police, a city treasurer, a city assessor, a city tax and license collector, and a police judge. Elective officers.

Election and term of office of mayor.

SEC. 2. The mayor shall be elected at the general municipal election to be held in said city of San Rafael on the second Monday in April, 1915, and on the second Monday in April of each second year thereafter, and shall hold office for the period of two years from and after the Monday next succeeding the day of such election, and until his successor is elected or appointed and qualified. Mayor.

Election and terms of office of councilmen and members of board of education.

SEC. 3. The terms of office of councilmen and members of the board of education shall be four years from and after the Monday next succeeding the day of their election, and until their successors are elected or appointed and qualified. Elections for councilmen and members of the board of education shall be held at the general municipal election to be held in said city of San Rafael on the second Monday in April, 1915, and on the second Monday in April of each second year thereafter. At the first general municipal election to be held on the second Monday in April, 1915, there shall be elected in said city of San Rafael four (4) councilmen and five (5) members of the board of education. The said councilmen and said members of the board of education so elected at said first general municipal election shall at their first meeting so classify themselves by lot so that two councilmen and two members of said board of education shall go out of office at the expiration of two years. Councilmen and board of education.

*Election and terms of office of other elective officers.*Other
officers.

SEC. 4. The city clerk, city attorney, chief of police, city treasurer, city assessor, city tax and license collector and police judge shall be elected at the general municipal election to be held in said city of San Rafael on the second Monday in April, 1915, and on the second Monday in April of each fourth year thereafter, and shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected or appointed and qualified.

Official bonds.

Bonds

SEC. 5. The city clerk, city attorney, chief of police, city treasurer, city assessor, city tax and license collector and police judge shall respectively, before entering upon the duties of their respective offices, each execute a bond to said city of San Rafael in such penal sum as the council by ordinance may determine, conditions for the faithful performance of his duties, including in said bond the duties of all offices of which he is made ex officio incumbent. Such bonds shall be approved by the mayor. All bonds, when approved, shall be filed with the city clerk; except the bond of the city clerk, which shall be filed with the mayor. All the provisions of any law of this state relating to official bonds of officers shall apply to such bonds, except as herein otherwise provided. Every elective officer of said city of San Rafael, before entering upon the duties of his office, shall take and file with the city clerk the constitutional oath of office.

*Vacancies.*Vacancies,
how filled.

SEC. 6. Any vacancy occurring in any elective office provided for in this charter shall be filled by appointment by the council by a majority vote thereof, and the appointee shall hold office for the remainder of the unexpired term of the office so filled. In case the council shall fail, for a period of twenty days after such vacancy shall have occurred, to fill the same, then such vacancy shall be filled by appointment by the board of education by a majority vote thereof

*What constitutes a vacancy.*What con-
stitutes
a vacancy.

SEC. 7. A vacancy shall exist in any office when the person elected or appointed thereto fails to qualify, dies, resigns, is removed from office, ceases to be a resident of the city, or absents himself continuously therefrom for a period of more than sixty days without permission from the council, is convicted of a felony, or of a misdemeanor connected with his duties in office, is judicially determined to be incompetent, forfeits his office under any provision of this charter, or is removed from office by judicial proceeding.

*Qualification of officers.*Qualifica-
tions for
office.

SEC. 8. No person shall be eligible to hold any office in said city of San Rafael, whether filled by election or appointment, unless he be a resident and elector therein, and shall have

resided in said city for three (3) years next preceding the date of such election or appointment. This section shall not apply to superintendents, principals and teachers in the public schools.

Compensation.

SEC. 9. The mayor and councilmen shall receive no compensation whatever, except while acting as a board of equalization. While acting as a board of equalization, the mayor and the councilmen shall each be paid the sum of five (5) dollars per day. The city clerk, city attorney, city treasurer, city assessor, city tax and license collector, chief of police and police judge shall severally receive at stated times a compensation to be fixed by ordinance by the council, which compensation shall not be increased or diminished after their election or during their several terms of office. The compensation of all other officers, except as otherwise provided in this charter, whether elected or appointed, shall be fixed from time to time by the council. Compensation

Consolidation of offices.

SEC. 10. The council may consolidate the following offices: Offices may be consolidated.

- (a) City tax and license collector and city assessor;
- (b) City treasurer and city tax and license collector;
- (c) City clerk and city tax and license collector;
- (d) City clerk and city assessor.

Such consolidation shall be by ordinance adopted, published and recorded as required for general ordinances at least forty (40) days before a general municipal election at which city officers are to be elected.

Appointive officers.

SEC. 11. The council shall appoint a city engineer, a superintendent of streets, a health officer, who shall be a duly licensed physician in accordance with the laws of the State of California, a chief of the fire department, who shall be ex officio fire marshal, and a poundmaster, each of whom shall hold office for the period of four years. The council may consolidate the offices of city engineer and superintendent of streets. All such appointive officers may be removed at any time by a unanimous vote of the council. Appointive officers.

Deputyships.

SEC. 12. The council shall have power, by ordinance or by resolution, to create and discontinue offices, deputyships, assistantships, boards and commissions and employments other than those prescribed in this charter, to fix their terms of office, to provide the mode of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, assistant or employee. Council to create deputyships, etc.

ARTICLE VII.

THE COUNCIL.

*Council the governing body.*Council.
governing
power.

SECTION 1. All powers herein granted to and vested in the city of San Rafael shall, except as herein otherwise provided, be exercised by a council, to be designated the council of the city of San Rafael. Said council shall be the governing body of the city, and shall consist of a mayor and four councilmen, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

*President and vice-president.*Mayor,
president.

SEC. 2. The mayor shall be president of the council, and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Meetings of council.

Meetings.

SEC. 3. The council shall, by ordinance, provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

*Meetings to be public.*To be
public.

SEC. 4. All legislative sessions of the council, whether regular or special, shall be open to the public.

Quorum.

Quorum.

SEC. 5. A majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business in like manner.

*Rules of proceeding.*Rules of
procedure.

SEC. 6. The council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at the council meetings.

*Ordinances and resolutions.*Act by
ordinance
and reso-
lution.

SEC. 7. (1) The council shall act only by ordinance or resolution.

*Ayes and noes.*Vote, how
taken.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. Every member, when present, must vote.

*Majority vote of council.*Passed by
majority
vote.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

Title.

(4) Every ordinance shall be preceded by a brief title which shall indicate the subject and purport thereof. Title of ordinance.

Enacting clause of ordinance.

(5) The ordaining clause of all ordinances shall be, "The council of the city of San Rafael do ordain as follows:"; and the ordaining clause of all ordinances adopted in accordance with the provisions of article V of this charter shall be, "The people of the city of San Rafael do ordain as follows:". Enacting clause.

Requirements of ordinances.

(6) No ordinance shall be passed by the council on the day of its introduction, nor within five days thereafter, nor at any other time than at a regular meeting, nor until its publication at least once in full in a weekly newspaper published in said city of San Rafael at least three days before its adoption; and in case of amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least three days before its adoption as amended. Requirements.

Ordinance required in certain cases.

(7) No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum less than five hundred (500) dollars, for the appropriation, acquisition, sale or lease of public property; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance; *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the state. Ordinance required.

Reconsideration.

(8) When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made. Reconsideration.

Signing and attesting.

(9) All ordinances shall be signed by the mayor and attested by the city clerk. Signing, etc.

Revision and amendment.

(10) No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances. Revision and amendment.

Repeal.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section. Repeal.

Record of city ordinances.

Record.

(12) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Council to audit demands.

Demands to be audited.

SEC. 8. All demands against the city of San Rafael, except as otherwise by this charter provided, shall be presented to and audited by the council in accordance with such regulations as it may by ordinance prescribe; and upon the allowance of any such demand, the mayor shall draw a warrant upon the city treasurer for the same, which warrant shall be countersigned by the city clerk, and shall specify for what purpose the same is drawn and out of what fund it is to be paid.

Indebtedness not to exceed moneys provided.

Indebtedness.

SEC. 9. The council shall not create, audit, allow or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purpose, except in the manner provided in this charter, for incurring indebtedness. No warrant shall be drawn or evidence of indebtedness be issued unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as in this charter provided.

Publication of charter and ordinances.

Care and publication of ordinances.

SEC. 10. The council shall cause all ordinances to be properly classified and indexed and kept at the city hall, in a form readily accessible to all persons interested therein, and may from time to time cause the charter of the city and the ordinances in force, either together or separately, to be published in book form.

Annual financial report.

Annual financial report.

SEC. 11. The council shall cause to be prepared and published within thirty days after the end of each fiscal year, a report showing the financial transactions and financial condition of the city for the fiscal year.

Examination of books, etc.

Books, etc., to be examined.

SEC. 12. The council shall annually employ a competent person, expert in matters of bookkeeping and accounts, to examine the books, condition and affairs of every department, board or officer, and report fully thereon in writing to the council.

ARTICLE VIII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

The mayor.

SECTION 1. The chief executive officer of the city of San Rafael shall be the mayor. The mayor shall be the presiding officer of the council. He may call special meetings of the council, and must do so upon the request in writing, of a majority of its members. He shall sign the minutes of each of its meetings after they have been entered in the journal by the city clerk and approved by the council. The mayor shall see that the laws of the State of California, the provisions of this charter and the ordinances of the city of San Rafael are strictly enforced and duly observed within said city. He shall take all measures necessary for the preservation of public order and the suppression of mobs, riots and tumults, for which purpose he may use the police force, and, in case such force is inefficient, he may call upon the governor of the state for military aid. The mayor shall diligently observe official conduct of all officers and employees of the city, and note the manner in which they perform their duties, especially in the collection, administration and disbursement of public funds and property. The books, records and official papers of all departments, boards, officers and employees of the city shall, at all times, be open to his inspection and examination, and he shall use special care to see that such books, records and documents are kept in proper legal form. He shall have general supervision of all departments, public institutions and offices of the city, and shall see that they are lawfully, economically and honestly administered and conducted. The mayor shall see that all contracts and agreements with the city are faithfully kept and performed, and to that end he shall, with the consent of the council, cause legal proceedings to be instituted and prosecuted, in the name of the city of San Rafael, against all persons failing, in whole or in part, to fulfill their agreements with said city. The mayor shall have power to administer oaths and affirmations and take affidavits and depositions in all matters relating to the business of the city. The mayor shall sign all conveyances made by the city of San Rafael, and all contracts to which it is a party, and shall acknowledge the execution of all instruments executed by said city that require acknowledgment, and shall sign all warrants ordered drawn by the council. When, by reason of absence from the city or from any other cause, the mayor is temporarily unable to perform the duties of his office, the vice-president of the council shall act as mayor during such temporary absence or disability.

City treasurer.

SEC. 2. It shall be the duty of the city treasurer to receive and safely keep all moneys which shall come into his hands as city treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the city clerk. He shall pay

out said money on warrants signed by the proper officers, and not otherwise, except interest coupons on bonds. He shall make quarterly settlements with the city clerk. He shall exercise such other powers and perform such other duties as may be prescribed or conferred in this charter, by law, or the ordinances of the city.

City assessor.

ASSESSOR. SEC. 3. It shall be the duty of the city assessor, between the first day of May and the first day of August in each year, to make out a true list of all the taxable property within the city. The mode of making out said list, and proceedings relating thereto, shall be in conformity with laws now in force regulating county assessors, except as the same may be otherwise provided in this charter or by ordinance. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be stated in such lists by county assessors. Said city assessor shall verify said list by his oath, and shall deposit the same with the city clerk on or before the first Monday of August in each year. Said assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duties.

City clerk.

CLERK. SEC. 4. It shall be the duty of the city clerk to keep a full and true record of all the proceedings of the council and of the board of equalization. The proceedings of the council shall be kept in a book marked "Records of the Council." The proceedings of the board of equalization shall be kept in a separate book marked "Records of the Board of Equalization." He shall keep a book, which shall be marked "City Accounts," in which shall be entered as a credit all moneys received by the city for licenses, the amount of any tax when levied, and all other moneys received; and in which shall be entered on the debit side all commissions deducted, and all warrants drawn on the treasury. He shall also keep a book, marked "City Tax and License Collector's Account," in which he shall charge the city tax and license collector with all the tax lists, if any, delivered to him, and all licenses delivered to him. He shall credit the city tax and license collector with the delinquent lists returned by him. He shall also keep a book, marked "City Treasurer's Account," in which he shall keep a full account of the transactions of the city with the city treasurer. He shall also keep a book, marked "City Licenses," in which he shall enter all licenses delivered by him to the city tax and license collector. He shall also keep a book, marked "City Ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of an ordinance of said city, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Each of the foregoing books, except the records of

the council and the board of equalization, shall have a general Clerk.
 index sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The city clerk shall also keep a book, marked "Demands and Warrants," in which he shall note every demand against the city, and file the same. He shall state therein, under the note of the demands, the final disposition made of the same; and if the same is allowed and a warrant is drawn, he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll for any of the taxes of the city, and levying of the tax thereon, the city clerk shall apportion the taxes upon such assessment roll, and shall deliver it to the officer charged with the duty of collecting taxes. It shall not be necessary to make a duplicate assessment roll. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any court or proceeding in the state, and to certify the same. He and his deputies shall take all necessary affidavits to demands against the city, and certify the same without charge. He shall make a quarterly statement in writing, showing the receipts and expenditures of the city for the preceding quarter, and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city. He shall perform such other services as this charter and the ordinances of the council shall require.

City attorney.

SEC. 5. It shall be the duty of the city attorney to advise Attorney.
 the city authorities and officers in all legal matters pertaining to the business of the city, and to render such other services in the line of his profession as may be required of him by the council.

Chief of police.

SEC. 6. The department of the police shall be under the Chief of
police.
 direction of the chief of police. He shall have all the powers given to peace officers under the laws of this state. He shall have power, and it is made his duty, to preserve the public peace, to suppress riots, tumults and disturbances. He shall have all the powers conferred on sheriffs by the laws of the state. His orders shall be promptly executed by the police officers, peace officers or watchmen in the city, and every citizen shall lend him aid, when required, for the arrest of offenders and the maintenance of order and protection of persons and property. He shall execute and return all processes issued to him by legal authority; and it is hereby made his duty to arrest on view, with or without a warrant, persons violating any law of the state or ordinance of the city. It shall be

his duty to take persons arrested before the judge of the police court, or a justice of the peace. Persons arrested for violating any of the ordinances of the city may, before or after trial, be confined in the city prison. He shall perform all duties imposed upon him by the ordinances of the council.

City tax and license collector.

Tax and
license
collector.

SEC. 7. The city tax and license collector shall collect all taxes, general and special, all city licenses, and such other branches of the city revenue not otherwise provided for as the council, by ordinance, may direct, and pay the same over to the city treasurer daily. He shall at all times keep proper books, showing in detail the amount of money received, by whom, at what time and for what purpose paid, and the funds to which the same is apportioned. He shall also keep a book containing a record of every deed issued by him for or on account of said city for real property sold by him for delinquent taxes. All such books shall at all times, when not in actual use, be open for public inspection. Whenever any person required by any city ordinance to take out a license shall fail, or neglect, or refuse to take out such license, and pay therefor in the manner and at the time as such ordinance provides, or, if any person required to take out any license shall transact, do or carry on any business, trade or occupation without first having procured the requisite license for such trading or carrying on, the city tax and license collector shall report such delinquent to the chief of police, who shall at once take such delinquent into custody, and the city attorney shall prosecute said delinquent in the manner provided by law.

Duties of appointive officers.

Duties, ap-
pointive
officers.

SEC. 8. The superintendent of streets, city engineer, chief of the fire department, poundmaster and health officer shall exercise such powers and perform such duties as are prescribed by law, or by this charter, or by any ordinance or resolution of the council.

Health department.

Health de-
partment.

SEC. 9. There shall be a health department under the management of the board of health. Said board shall consist of five (5) members, namely: The mayor, the city engineer, and the health officer, who shall each be ex officio members of said board, and two citizens who shall be appointed by the council. The health officer shall be president of the board, and the board shall appoint one of its members as secretary. At least one of the appointed members of the board shall be a duly licensed physician in accordance with the laws of the State of California. Said members shall serve without compensation, except the health officer, who shall receive such compensation as the council shall prescribe. The terms of office of the members of the board shall be for two (2) years, and until their successors are appointed and qualified, said term to commence on the date of their appointment. If any appointed

member fails to qualify within ten (10) days after his appointment, such appointment shall be void, and a new appointment shall be made for the unexpired portion of the term of said member. Meetings of the board of health shall be held when called by the president, or any three members, and all meetings shall be public. Three members shall constitute a quorum. Said board of health, subject to the ordinances of the city, shall have supervision of all matters pertaining to the sanitary condition of the city. The council shall, by ordinance or otherwise, provide for enforcing such orders and regulations as the board of health may from time to time adopt, and all expenses necessarily incurred by the board of health in carrying out the provisions of law and of this charter shall be provided for by the council.

Fire commission.

SEC. 10. The board of fire commissioners shall consist of five (5) members, as follows: The chairman of the finance committee of the council, the chief of the fire department, and three (3) members to be appointed by the council. The board of fire commissioners shall exercise such powers and perform such duties as may be prescribed or conferred in this charter or the ordinances of the city.

Fire commissioners.

Park commission.

SEC. 11. The several tracts or parcels of land heretofore dedicated to the city of San Rafael, known as parks, and such other tracts of land in said city as may hereafter be acquired, dedicated or set apart for public park or playground purposes, shall be managed and controlled by a board of five (5) commissioners to be appointed by the council, which shall be termed the board of park commissioners. The board shall elect a president and a secretary, who shall hold office during its pleasure. It shall hold regular meetings at such time and place as it may determine; and special meetings may be called by its president or two members of the board at any time. Its meetings shall be public; three members shall constitute a quorum for the transaction of business; it may adopt rules for its proceedings; and shall cause a record of such proceedings to be kept by its secretary under its direction. Said board of park commissioners shall have power and authority to manage, control and govern the parks of the city of San Rafael, and provide for the maintenance and improvement thereof. It shall cause to be prepared and adopted general plans for the permanent improvement of such parks; cause them to be properly laid out in accordance with such plans, planted with suitable trees, shrubs, flowers, grass, etc., and the same to be cared for, cultivated and preserved. It may accept suitable articles donated for the use or adornment of such parks, and cause such articles to be placed therein. It shall employ and discharge all persons employed in or about the city's parks, prescribe their duties, and fix their salary or compensation. It shall supervise and control the expenditures of all money in the

Park commissioners.

park fund of the city treasury. It may adopt and enforce such rules and regulations as it may deem proper to regulate and govern the use of the grounds under its supervision and control. And said board shall exercise such other powers and perform such other duties as may be necessary to carry into effect the purposes of this section and to maintain, beautify and improve the city's public parks. The council shall annually include in the general tax levy a tax of not less than four (4) cents upon each one hundred dollars in valuation of property appearing upon the assessment rolls, for the maintenance and improvement of its parks. Such tax, when collected, together with any other money given, donated, devised or bequeathed to the city for park purposes, shall constitute the park fund, and shall be kept by the city treasurer separate from all other public money, and shall be used and paid out only for the benefit of the city's parks and playgrounds. All expenditures of said fund must be authorized by the board of park commissioners, and all claims payable therefrom must be approved by said board before being presented to or allowed by the council. The council shall, by ordinance, provide for carrying into effect the powers herein granted to the board of park commissioners, enforcing such orders, rules and regulations as it may make concerning the use of the public parks and playgrounds and the preservation of park and playground property.

ARTICLE IX.

PUBLIC LIBRARY.

Management.

Board of
Library
trustees.

SECTION 1. The public library of said city shall be under the management of a board of five (5) trustees, who shall be appointed by the mayor; *provided*, that the first board of library trustees appointed under this charter shall take office on the third Monday of April, 1915, and shall at their first meeting so classify themselves by lot that two of their number shall go out of office at the expiration of two years, and three at the expiration of four years. Library trustees shall not be less than twenty-five years of age, and must have been residents of said city for at least five years prior to their appointment, and shall serve without compensation. The term of office of library trustees shall be four years.

Meetings.

Meetings.

SEC. 2. The board of library trustees shall meet at least once a month at such times and places as they may fix by resolution. Special meetings may be called at any time by three trustees by written notice served upon each member at least three hours before the time specified for the proposed meeting. A majority of the board shall constitute a quorum for the transaction of business. Such board shall elect one of its number president, who shall serve for two years and until his successor is elected, and in his absence shall elect a president pro tem. Such board shall cause a proper record of its proceedings to be kept.

Powers.

SEC. 3. The board of library trustees shall have power:

1. To make and enforce all rules and regulations and by-laws necessary for the administration, government and the protection of the libraries under their management and all property belonging thereto. Powers.

2. To administer any trust declared or created for such libraries, and to receive by gift, devise or bequest, and hold in trust or otherwise, property situated in this state or elsewhere, and, where not otherwise provided, dispose of the same for the benefit of such libraries.

3. To prescribe the duties and powers of the librarian, secretary and other officers and employees of any such libraries; to determine the number of and appoint all such officers and employees, and to fix their compensation, which said officers and employees shall hold their offices or positions at the pleasure of said board.

4. To purchase necessary books, journals, publications and other personal property.

5. To purchase such real property, and erect or rent and equip such buildings or building, room or rooms, as may be necessary, when in their judgment a suitable building, or portion thereof, has not been provided by the council.

6. To require the secretary of state and other state officials to furnish such libraries with copies of any and all reports, laws and other publications of the state not otherwise disposed of by law.

7. To borrow books from, lend books to and exchange the same with other libraries, and to allow non-residents to borrow books upon such conditions as they may prescribe.

8. To provide memorial tablets, niches or other means to perpetuate the memory of any person who makes donations or bequests to the public library.

9. To enter into any contract with the board of supervisors of the county of Marin, State of California, for the purpose of carrying into effect any of the provisions of an act entitled, "An act to provide county library systems," approved April 12, 1909, (California Statutes 1909, page 811), or any amendments thereto thereafter adopted.

10. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this article.

Reports.

SEC. 4. The board of library trustees shall, on or before the last day of July in each year, make a report to the council giving the condition of the library on the thirtieth day of June preceding, together with a statement of their proceedings for the year then ended, and forward a copy thereof to the state library at Sacramento. Annual report.

Tax.

SEC. 5. The council shall, in making the annual tax levy and as part thereof, levy a tax for the purpose of maintaining Tax.

such library and purchasing property necessary therefor, which tax shall be in addition to other taxes permitted by this charter. Such tax shall not be less than seven tenths of one mill on each dollar of assessed valuation.

Funds.

Library fund.

SEC. 6. The revenue derived from said tax, together with all money acquired by gift, devise, bequest or otherwise for the purposes of the library, shall be apportioned to a fund, to be designated the library fund, and shall be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise or bequest, the board shall provide for the safety and preservation of the same, and the application thereof to the use of the library in accordance with the terms and conditions of such gift, devise or bequest. Payments from this fund shall be made upon warrants issued after due audit by, and an order from the library trustees, which warrant shall be signed by the president and secretary of said board of library trustees. The city treasurer shall pay such warrants without any further order or warrant from any other authority.

Privileges.

Free to public.

SEC. 7. The public library shall be forever free to the inhabitants and non-resident taxpayers of the city, subject always to such rules, regulations and by-laws as may be made by the library trustees; *and provided*, that for violations of the same a person may be fined or excluded from the privileges of the library.

Loan of books.

May contract with counties or cities for loan of books.

SEC. 8. The library trustees and the legislative bodies of neighboring municipalities, or board of supervisors of the counties in which public libraries are situated, may contract for lending the books of such libraries to residents of such counties or neighboring municipalities upon a reasonable compensation to be paid by such counties or neighboring municipalities.

Title to property.

Title to property.

SEC. 9. The title to all property acquired for the purpose of such library, when not inconsistent with the terms of its acquisition or otherwise designated, shall vest in the city.

ARTICLE X.

POLICE COURT.

Police court.

Police court.

SECTION 1. There is hereby created in and for the city of San Rafael, a court, which shall be known as the police court of the city of San Rafael.

Judge and qualification.

Qualifications of judge.

SEC. 2. Said court shall consist of one judge, who shall have attained the age of thirty years, and shall be a duly qualified elector of said city.

Exclusive jurisdiction.

SEC. 3. Said court shall have exclusive jurisdiction:

Exclusive jurisdiction.

- (1) In all prosecutions for violations of the city ordinances;
- (2) In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed by the city ordinances and in which the sum sued for does not exceed three hundred dollars.

Concurrent jurisdiction.

SEC. 4. Within the city limits, said court shall have concurrent and co-ordinate jurisdiction with township justices' courts in all criminal matters in which said justices' courts now or may hereafter have jurisdiction; and the judge of said police court shall have, as aforesaid, like authority, power and jurisdiction as the justices of the justices' courts. He shall have the powers and perform the duties of a magistrate.

Concurrent jurisdiction.

Appeals.

SEC. 5. Appeals may be taken to the superior court of the State of California, in and for the county of Marin, from the judgments and orders of said police court, in all cases in which appeals now or hereafter may be taken to said superior court from said justices' courts and police courts.

Appeals.

Procedure.

SEC. 6. The provisions of the several codes and of the statutes of this state relative to the procedure in justices' courts are applicable to the procedure in the police court. It may issue all writs and process which may be issued by justices of the peace or justices' courts, and the police judge may certify and take depositions and affidavits. Any warrant, writ, summons or other process issued by the police court may be directed to the chief of police, or to any sheriff or constable, who shall serve and return the same. He shall have power to administer oaths.

Procedure.

When open.

SEC. 7. The police court shall be open for the transaction of business at all times except Sundays and non-judicial days.

When open.

Sickness or disability.

SEC. 8. Upon the sickness or disability of the judge of said police court, he may cause to preside in his place any qualified justice of the peace of the county of Marin.

Procedure in sickness or disability.

Courtroom, etc.

SEC. 9. The council shall provide a suitable courtroom, dockets, blanks and stationery necessary for the transaction of the business of said police court.

Courtroom, etc., provided.

Fines.

SEC. 10. All fines and other moneys received or collected by the judge of said police court, for or on account of the city of San Rafael, shall be paid into the city treasury on the first Monday in each month.

Fines.

Bailiff.

Bailiff.

SEC. 11. The chief of police shall attend, or assign a police officer for attendance, on said court to preserve order therein and enforce its orders and serve its process.

Actions pending.

Actions pending.

SEC. 12. All actions and proceedings pending and undetermined in the existing city recorder's court shall be proceeded with, heard, tried and determined in said police court hereby provided for, before said judge, the same as if said actions or proceedings had been actually commenced in said police court.

Justice of the peace.

Justice of peace may be police judge.

SEC. 13. Nothing in this charter shall be so construed as to prevent a justice of the peace from holding the office of police judge.

ARTICLE XI.

EDUCATIONAL DEPARTMENT.

School department.

School department.

SECTION 1. The school department of the city of San Rafael shall comprise all the schools within the city of San Rafael, the San Rafael school district, and all territory that is now or may hereafter be annexed thereto for school purposes, which shall be known as "San Rafael school district," and which shall succeed to all the obligations, property, rights, and privileges of the San Rafael school district. It shall consist of elementary and secondary schools as now established or that may hereafter be established, and may, at the discretion of the board of education, include technical, industrial, kindergarten and night schools; *provided*, that no school money shall be used for technical, industrial or night schools or kindergarten when such use would prevent the board of education from maintaining elementary and secondary schools as provided by law.

School territory.

School territory.

SEC. 2. All territory included within the limits of the San Rafael school district, or that may hereafter be included within such limits, but not within the city limits, shall be deemed a part of said city for the purpose of holding the general municipal elections, and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for members of the board of education and on questions submitted to a vote of the people at special or general elections pertaining to school matters; and said outside territory shall be deemed a part of said city for all matters connected with the school department.

Government.

Board of education.

SEC. 3. The government of the school department of the district shall be vested in a board of education, to consist of five members, to be called members of the board of education, and who shall receive no compensation.

Meetings.

SEC. 4. The board of education shall meet on the first Monday after the election of its members shall have been officially declared, and shall organize by electing one of their number president, and they shall also elect a secretary and fix his salary, and shall meet thereafter at such times as may be designated by resolution, and in the place provided for them by the council. Special meetings may be called by the president of the board of education, or by three members of said board united in a call. All meetings of said board shall be public. Meetings.

Quorum.

SEC. 5. A majority of the board shall be a quorum, and the affirmative vote of a majority of the board shall be necessary to pass any measure, but a less number may adjourn from day to day and compel the attendance of absent members in such manner as the board may prescribe. Quorum.

Powers of board of education.

SEC. 6. The board of education shall have entire control and management of the public schools in the city in accordance with the constitution and general laws of the state, and is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the state for city boards of education. Powers.

ARTICLE XII.

REVENUE AND TAXATION.

Tax system.

SECTION 1. The council shall, by ordinance, provide a system for the assessment, levy and collection of all city taxes. During the month of August in each year it shall levy such a tax as may be necessary to raise revenue for the maintenance of the city and the several departments thereof during the fiscal year; but such tax levy for all municipal purposes, except the payment of interest on the bonded debt and the maintenance of the public library, shall not exceed the sum of one hundred (100) cents for each one hundred (100) dollars of assessed valuation as the same appears upon the assessment roll. Taxes.

Tax liens.

SEC. 2. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens upon the property assessed. Every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday of March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by sale of the property affected, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real property is offered for sale for taxes thereon, the same shall be struck off and sold Tax Liens.

to the city in like case and in like manner and with like effect and with like right of redemption as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have the power to provide for the procedure to be followed in such sales to the city and for the redemption of the property thereafter.

Equalization.

Board of
equaliza-
tion.

SEC. 3. The council shall meet on the second Monday of August in each year, at ten (10) o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified. They shall have power to hear complaints, and to correct, modify or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year.

ARTICLE XIII.

PUBLIC WORK AND CONTRACTS.

Form of contracts.

Contracts
for public
work.

SECTION 1. All contracts must be in writing, approved by the city attorney, executed in the name of the city by an officer or officers authorized thereunto, countersigned, numbered and registered by the city clerk in a book kept for that purpose.

Progressive payments on contracts.

Progres-
sive pay-
ments.

SEC. 2. Contracts may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given therefor; but no progressive payments can be provided for or made at any time which, with prior payments, shall exceed seventy-five per cent of the value of the labor done and the materials used up to that time, and no contracts shall provide for or authorize the payment of more than seventy-five per cent of the contract price before the completion of the work done thereunder and the acceptance thereof by the proper officer, board or department.

Public work to be done by contract.

Public
work by
contract.

SEC. 3. The erection, improvement and repair of all public buildings and works, all street and sewer work, and the furnishing of supplies and materials for the same, or for any use by the city, when the estimate therefor exceeds the sum of five hundred (\$500) dollars, shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals at least once a week for two (2) weeks in a weekly newspaper of general circulation published in said city. Such notice shall specifically state the work contemplated

to be done. The council may reject any bid deemed excessive and readvertise, or the work may be done by the council. If no bid is received, the work may be done by the council.

Advertising.

SEC. 4. The city clerk shall submit a list of blanks and blank books used in the several offices and departments, and the council shall annually fix the prices therefor, and also the price of all job and city advertising, and each officer, board or department shall procure such blanks, blank books, job printing and advertising at a price no greater than is so fixed, and certify the bill therefor to the council.

Council to fix price of blanks and advertising.

Contracts for lighting.

SEC. 5. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than three (3) years, nor at a higher rate than the minimum price charged private consumers.

Contracts for lighting.

Collusion with bidder.

SEC. 6. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly certify to a greater amount of labor than has actually been performed, or to the receipt of a greater amount or different kind of material or supplies than has been received, shall be guilty of malfeasance in office.

Collusion of city officer with bidder.

Collusion of bidder.

SEC. 7. If any person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other person for the purpose of preventing other bids, then the contract so awarded shall be null and void, and the council shall readvertise, or said work may be done by the council.

Collusion of bidder.

Officers interested in contracts.

SEC. 8. No officer shall be interested in any contract made by him in his official capacity, or by any other body or board of which he is a member, and any such contract shall be null and void; and it shall be a felony punishable as provided in section seventy-one of the Penal Code of California for any commissioner or officer to suggest or require of any employee that such employee or any member of his family trade individually, or directly or indirectly, with any certain person, firm or corporation.

Officers not to be interested in contracts.

Hours of labor.

SEC. 9. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether employed directly by the city and its officers or by a contractor or subcontractor, shall be eight hours during any one calendar day.

Hours of labor.

ARTICLE XIV.

FRANCHISES.

Council to grant franchises.

SECTION 1. The council shall have power to designate the terms, conditions and duration of all franchises, subject to the general laws of the state and the provisions of this charter relating thereto; *provided*, that no exclusive franchise shall ever be granted.

City to have right to protect public.

SEC. 2. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

City to have right to regulate fares, etc.

SEC. 3. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all officials, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

Street improvements, etc.

SEC. 4. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places of the city for railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway, or other public place as may be occupied by said railway as lies between the railway track, and between the lines of double track, and for a space of two feet on each side of said tracks.

City to reserve right to acquire property, etc.

SEC. 5. Every ordinance granting any franchise shall provide that, at the expiration of the period for which the franchise was granted, the city, at its election, and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety; but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee.

SEC. 6. Every ordinance granting any franchise may further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

Property of city without execution of any instrument or conveyance.

ARTICLE XV.

MISCELLANEOUS.

When charter takes effect.

SECTION 1. This charter shall take effect on the first day of July, 1913.

Charter in effect, when.

First election under this charter.

SEC. 2. The first general municipal election under this charter shall be held on the second Monday in April, 1915. The board of trustees of the city of San Rafael in office at the time this charter takes effect shall provide for the holding of the first election under this charter, shall canvass the votes and declare the result of said election. The amount of the bonds of all officers elected at such election shall be fixed by said board of trustees at least thirty days prior to such election.

First election, when.

Terms of incumbents in office.

SEC. 3. The members of the board of trustees and all other elective officers of the city of San Rafael in office at the time this charter takes effect shall continue to hold office and discharge their respective duties until the election and qualification of the officers first elected under this charter; *provided*, that the said board of trustees shall constitute the council, the president of the board of trustees shall perform the duties of mayor, trustees shall perform the duties of councilmen, and the city recorder shall perform the duties of police judge, and the marshal shall perform the duties of chief of police. The term of each of the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected thereunder shall by resolution so declare.

Terms of incumbents in office.

Existing ordinances to continue in force.

SEC. 4. All city ordinances, resolutions and regulations in force at the time this charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in force until the same shall be duly amended or repealed.

Existing ordinances.

Conduct of legal proceedings.

SEC. 5. The city attorney shall be the prosecuting attorney in behalf of the people in all criminal cases arising from viola-

City attorney to conduct legal proceedings.

tions of the provisions of this charter and the ordinances of the city and shall attend to all suits and proceedings in which the city may be legally interested; *provided*, the council shall have control of all litigation of the city, and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

Violation of charter and ordinances.

Violation
of charter
misde-
meanor.

SEC. 6. The violation of any provision of this charter, or of any ordinance of the city, shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for a violation of the provisions of this charter, or of any ordinance, may be imprisoned in the city jail, or in the Marin county jail, in which latter case the expense of such imprisonment shall be a charge in favor of such county against the city of San Rafael.

Meaning of words.

"City,"
etc.,
defined.

SEC. 7. The word "city" wherever it occurs in this charter means the city of San Rafael, and every commissioner, board, officer, or employee wherever mentioned in this charter means the commissioner, board, officer, or employee, as the case may be, of the city of San Rafael. The word "council" when used in this charter means the council of the city of San Rafael.

Provisions for election.

Validity of
charter not
affected by
failure to
hold
election.

SEC. 8. If, for any reason, the first general municipal election is not held on the day herein provided for, the validity of this charter and of such election is not affected thereby, and the board of trustees of the city of San Rafael then in office must provide for the holding of such election as soon as possible thereafter.

Illegal approval of demands.

Illegal
approval
of de-
mands.

SEC. 9. Every officer who shall approve, allow or pay any demand on the treasury not authorized by law, ordinance, or this charter, shall be liable to the city, individually, and on his official bonds for the amount of the demand so illegally approved, allowed or paid.

Women eligible to office.

Women
eligible to
office.

SEC. 10. Nothing in this charter shall be construed as prohibiting the election or appointment of women to any office, and the words used in this charter in the masculine gender shall include the feminine.

Surrender of books and records.

Surrender
of books,
etc., to
successors.

SEC. 11. All officers, boards, commissioners and departments of the city shall, upon vacating office, turn over to their successors all books, papers, documents, records, archives and other property which may be in their possession or under their charge.

Boundaries.

SEC. 12. The boundaries of the city of San Rafael as described in this charter may be altered and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California, covering the annexation and exclusion of territory by municipalities.

Alteration of boundaries.

Additional duties of officers.

SEC. 13. All officers of the city of San Rafael, elective or appointive, shall, in addition to the duties prescribed in this charter, perform such duties as may be imposed by ordinance or by the general laws of the State of California.

Additional duties of officers.

Books and records open to inspection.

SEC. 14. All books and records of the various offices and departments of the city, except those of the police department and the city attorney, shall, during business hours, be open to the inspection of any citizen or taxpayer, who may make copies of any portion thereof. Such copies shall be certified by the officer in charge of the records on payment of a fee of twenty-five cents for each ten folios or fraction thereof.

Books, etc., open to inspection.

Fiscal year.

SEC. 15. The fiscal year mentioned in this charter shall commence with the first day of July and end with the thirtieth day of June following of each year.

Fiscal year.

Petition—percentage of votes.

SEC. 16. After this charter becomes effective and until after the first general municipal election is held thereunder, the percentage of signatures required to any petition for any of the purposes provided for in articles IV and V of this charter shall be based upon the entire vote cast in the city of San Rafael at the general election held November 5th, 1912.

Percentage of votes for petitions.

Vacancies, how filled.

SEC. 17. In case at any time there should exist a vacancy in office of a majority of the council, then the board of education shall by majority vote forthwith fill such vacancy; *provided*, that should the board of education fail, for a period of ten (10) days after such vacancy shall have occurred, to fill such vacancy, then the same shall be filled by appointment by a majority vote of the board of library trustees.

Vacancies in council, how filled.

Amendments.

SEC. 18. This charter may be amended at such times and in such manner as is provided in the constitution of the State of California.

Amendments.

General provision.

SEC. 19. In all matters pertaining to municipal affairs, concerning which no special provision is made in this charter, the general law of the state shall be a part of this charter as far as the same may be applicable.

General provision.

CERTIFICATE.

WHEREAS, the city of San Rafael, a city containing a population of more than three thousand five hundred inhabitants, as ascertained and established by the census taken under the direction of the congress of the United States in the year one thousand nine hundred and ten, did, on the twenty-ninth day of May, 1912, at a special election held under and in accordance with the provisions of section 8, article XI, of the constitution of the State of California, elect E. B. Martinelli, L. E. Fleischman, C. B. Atterbury, J. H. Clark, Robert Dollar, C. H. Du Bois, E. S. Rake, H. C. Gieske, L. Johansen, J. B. Lovell, H. B. Meyer, Lawrence Moore, Louis Smith, Frank Riede, and S. A. Pacheco a board of freeholders to prepare and propose a charter for said city,

Be it known, that pursuant to the provisions of the constitution, and within a period of one hundred and twenty days after the result of said election was declared by the board of trustees of said city, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of San Rafael. Done in duplicate.

In witness whereof, we have hereunto set our hands this the twenty-seventh day of September, one thousand nine hundred and twelve.

E. B. MARTINELLI,
President of board of freeholders.
L. E. FLEISCHMAN,
Secretary of board of freeholders.
HENRY C. GIESKE.
L. JOHANSEN.
J. H. CLARK.
SALVADOR A. PACHECO.
H. B. MEYER.
E. S. RAKE.
J. B. LOVELL.
LAWRENCE MOORE.
FRANK RIEDE.
LOUIS SMITH.
CHAS. H. DU BOIS.

Filed, this the 28th day of September, 1912, at 11.30 a. m.

EUGENE W. SMITH,

City Clerk of the City of San Rafael, California.

STATE OF CALIFORNIA,
COUNTY OF MARIN,
CITY OF SAN RAFAEL. } ss.

I, Richard Kinsella, president of the board of trustees of the city of San Rafael, State of California, do hereby certify that I now am, and at all times herein mentioned was, the duly elected, qualified and acting president of said board of trustees of the city of San Rafael, county of Marin, State of California; that E. B. Martinelli, L. E. Fleischman, Henry C. Gieske, E. S. Rake, L. Johansen, J. H. Clark, Salvador A.

Pacheco, H. B. Meyer, J. B. Lovell, Lawrence Moore, Frank Riede, Louis Smith, Charles H. Du Bois, Robert Dollar and C. B. Atterbury, a majority of whose names appear signed to the foregoing proposed charter were, and each of them was on the 29th day of May, 1912, at a special election held in said city of San Rafael on said day duly elected by the qualified voters of the said city as a board of freeholders to prepare and propose a charter for said city of San Rafael; that each of said persons so elected was a freeholder and was at the time of said election and had been continuously for more than five years immediately prior thereto a qualified elector of said city of San Rafael; that the foregoing is a full, true and correct copy of said charter prepared by said board of freeholders, and filed in the office of the city clerk of said city of San Rafael on the 28th day of September, 1912, and within 120 days after the result of said election was declared by the said board of trustees as required by section 8 of article XI of the constitution of this state; that said proposed charter was then published in *The Independent*, which at all times herein mentioned was, and now is a weekly newspaper of general circulation, printed, published and circulated in said city of San Rafael; that said proposed charter was published three times in said newspaper on the following days of publication, to wit: October 8, 1912, October 15, 1912, and October 22, 1912; that the first publication thereof was made on the 8th day of October, 1912, and within fifteen days after the filing of a copy of said charter as aforesaid in the office of the city clerk of said city of San Rafael; that, as required by said section 8, article XI of said constitution, a special election was held in said city not less than twenty days, nor more than forty days after the completion of the publication of said charter, to wit: On the 30th day of November, 1912, for the purpose of ratifying said proposed charter as a whole; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole. That the returns of said election were duly canvassed by the board of trustees of said city of San Rafael on the 2nd day of December, 1912, and as the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter all provisions of said section of the constitution and the laws of the State of California pertaining to the adoption of said charter have been fully complied with in every particular.

In witness whereof, I have hereunto set my hand and caused the corporate seal of the city of San Rafael to be affixed this 25th day of January, 1913.

R. KINSELLA,

President of the Board of Trustees of the
City of San Rafael.

Attest: EUGENE W. SMITH,
City Clerk of the City of San Rafael.

AND WHEREAS, Said proposed charter has been duly presented and submitted to the legislature of the State of Cali-

for approval or rejection without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of San Rafael as presented to, adopted and ratified by the qualified electors of said city be, and the same is, hereby approved as a whole as and for the charter of the said city of San Rafael.

CHAPTER 29.

Assembly Concurrent Resolution No. 1, approving seventeen certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a special municipal election held therein on the tenth day of December, 1912.

[Filed with Secretary of State April 7, 1913.]

San Francisco
charter
amend-
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WHEREAS, The city and county of San Francisco, State of California, contains a population of over four hundred and sixteen thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred, and is now organized and acting under a freeholders' charter adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (Statutes of 1899, page 241), and which charter was not amended within an interval of two years immediately prior to the tenth day of December, one thousand nine hundred and twelve; and

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco, thirty-seven certain amendments to the charter of said city and county of San Francisco by the submission of thirty-seven proposals, entitled as follows, to wit:

CHARTER AMENDMENT No. 1.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section thereto to be known as section 10, chapter II of article II, authorizing the board of supervisors

to acquire and dispose of land for civic center purposes and exchange parcels of land with the board of trustees of the public library and reading rooms.”

San Francisco
charter
amend-
ments.

CHARTER AMENDMENT NO. 2.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new subdivision to section I of chapter II of article II, designated as number 37, and adding a new section to article XIV, designated as section 13, relating to the use of the streets and Lobos square by the Panama-Pacific International Exposition Company.”

CHARTER AMENDMENT NO. 3.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 1, 2, 5, 8, 9, 11, 12, 17 and 19 of article XIII, and adding a new section designated as section 7½ to article XIII, relating to the civil service commission, its powers and duties and appointments to be made and regulations for the employees serving under the civil service laws.”

CHARTER AMENDMENT NO. 4.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter IV of article IV, sections 1 and 2 of chapter VI of article IV, section 1 of chapter VII of article IV, sections 1 and 2 of chapter V of article V, sections 1 and 2 of chapter VI of article V, and adding a new section to article XVI designated as section 42, relating to the election, term of office and compensation of certain county officers, and of their deputies and employees.”

CHARTER AMENDMENT NO. 5.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 and adding a new section to be known as section 2 of chapter IV of article IX, relative to establishing a two-platoon or two-shift system in the San Francisco fire department, increasing the number of officers and members, and creating shifts and watches therefor.”

CHARTER AMENDMENT NO. 6.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending article XII by adding thereto chapter I to consist of sections 1 to 16 inclusive of said article XII, chapter II and chapter III, relating to public utilities, the acquisition and construction thereof, the appointment, organization and

San Francisco
charter
amendments.

powers of a public service commission and the appointment, organization and powers of a board of water construction."

CHARTER AMENDMENT No. 7.

"Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 2, 3 and 4 of chapter I of article XI and adding a new section to article XVI, designated as section 42, relating to the qualifications and salaries of the employees of the department of elections."

CHARTER AMENDMENT No. 8.

"Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter III of article IV, sections 1 and 2 of chapter II of article IV, section 1 of chapter V of article IV, section 1 of chapter II of article V and adding a new section to article XVI, designated as section 42, relating to and increasing the salaries of the officers and employees in the offices of the treasurer, auditor, tax collector and increasing the salary of the city attorney."

CHARTER AMENDMENT No. 9.

"Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending sections 1, 2 and 3 of chapter IX of article IX, adding new sections to chapter IX of article IX, designated as sections 7, 8 and 9, and adding a new chapter to article IX designated as chapter X, relating to the department of electricity, the compensation of its deputies and employees, providing for a relief fund and increasing its powers."

CHARTER AMENDMENT No. 10.

"Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 6 of chapter V of article VIII, and adding a new section to article XVI, designated as section 42, relating to the increase of the detective force of the police department and the salaries thereof."

CHARTER AMENDMENT No. 11.

"Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter IV of article VIII, and adding a new section to article XVI, designated as section 42, relating to the increase of the salary of the chief of police."

CHARTER AMENDMENT No. 12.

"Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of

California, to amend the charter of said city and county by amending subdivision 18, of section 1 of chapter II of article II, relating to appropriations for the celebration of holidays.” San Francisco charter amendments.

CHARTER AMENDMENT No. 13.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2 of article XVI, relating to the residence of officers and employees of said city and county.”

CHARTER AMENDMENT No. 14.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 9 of article XII, relating to the limit of bonded indebtedness and exceptions therefrom.”

CHARTER AMENDMENT No. 15.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 11 of chapter I of article III thereof, relating to the rate of taxation.”

CHARTER AMENDMENT No. 16.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 11 of article XIV thereof, relating to the expenditure of taxes levied for the maintenance of parks.”

CHARTER AMENDMENT No. 17.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending subdivision 36 of section 1, chapter II of article II thereof, relating to the appropriation for exempt firemen.”

CHARTER AMENDMENT No. 18.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 1, 2 and 14 of chapter III, article VI thereof, relating to the opening, extending, widening, straightening and closing of streets and the condemnation and acquisition of land and property necessary therefor and the performance of street work in connection therewith.”

CHARTER AMENDMENT No. 19.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending chapter VIII of article VI thereof, relating to tunnels, subways and viaducts.”

San Fran-
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CHARTER AMENDMENT No. 20.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 33 of chapter II of article VI thereof, relating to the method of improving streets.”

CHARTER AMENDMENT No. 21.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to article XVI, designated as section 29½ of article XVI, relating to the establishment of a revolving fund for tunnel and street improvements.”

CHARTER AMENDMENT No. 22.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to chapter II of article II, to be designated section 10, relating to exchange of a portion of relief home tract.”

CHARTER AMENDMENT No. 23.

“Describing and setting forth an amendment to the charter of the city and county of San Francisco, State of California, by adding a new section to article XVI thereof, to be numbered section 1½, relating to the qualification of officers.”

CHARTER AMENDMENT No. 24.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of chapter V of article IV, relating to duties of city attorney.”

CHARTER AMENDMENT No. 25.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VII of article V thereof, relating to justices' courts and justices of the peace.”

CHARTER AMENDMENT No. 26.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 4 of chapter X of article VIII and section 5 of chapter VII of article IX thereof, relating to the pensioning of any family or any officer, member or employee of the police or fire departments who may be killed while in the performance of his duty.”

CHARTER AMENDMENT No. 27.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new chapter to article XI, designated as chapter VI, relating to local option for districts.”

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charter
amendments.

CHARTER AMENDMENT No. 28.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 1, 2 and 4 of chapter II, of article VIII; sections 1 and 2 of chapter I of article IX, adding a new section to chapter II of article IX, to be designated section 5; sections 1, 2, 3 and 4 of article X and repealing sections 6, 7, 8, 9, 10 and 11 of article X, relating to the organization, membership and powers of the police, fire and health departments.”

CHARTER AMENDMENT No. 29.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending chapter I of article XI by adding a new section thereto to be known as section 6, relating to additional power for the board of election commissioners.”

CHARTER AMENDMENT No. 30.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding four subdivisions to section 1 of chapter II of article II, designated as subdivisions 38, 39, 40 and 41, relating to the powers of the board of supervisors.”

CHARTER AMENDMENT No. 31.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new subdivision to section 1 of chapter III of article VIII, designated as subdivision 8, relating to the power of the police commissioners to conduct investigations affecting the police department.”

CHARTER AMENDMENT No. 32.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding to article XIV thereof, relating to park and the park commissioners, a new section to be known as section 6a.”

CHARTER AMENDMENT No. 33.

“Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by

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charter
amendments.

amending sections 1, 2, 3, 4 and 5 of chapter I of article VI, and adding a new section to chapter I of article VI, designated as section 5a, relating to the organization, membership and powers of the board of public works."

CHARTER AMENDMENT NO. 34—FRANCHISES.

"Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 12 of chapter I and sections 5, 6 and 7 of chapter II of article II thereof and by repealing sections 7a, 7b and 7c of chapter II of article III thereof, relating to the granting of franchises for street railways and other public utilities, and providing for the surrender and resettlement of franchises and rights now held by persons, companies or corporations operating street railways or other public utilities within the limits of said city and county."

CHARTER AMENDMENT NO. 35.

"Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending section 12 of article XII, relating to tax levy to provide for payment of the interest and bonds of the city and county."

CHARTER AMENDMENT NO. 36.

"Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by adding a new section, to be numbered section 10a, to article XII, relating to the sale of library bonds for building in civic center."

CHARTER AMENDMENT NO. 37.

"Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by adding a new subdivision to section 1 of chapter II of article II, designated as subdivision 42, relating to a planning commission"; and

WHEREAS, Said thirty-seven proposals aforementioned containing said proposed amendments to said charter were, in accordance with the provisions of section 8 of article XI of the constitution of the State of California, published for ten days after their passage in the *Daily Journal of Commerce*, a daily newspaper of general circulation in the city and county of San Francisco and the official newspaper of said city and county; and

WHEREAS, The said legislative authority of said city and county did by Ordinance No. 2085 (new series), of the board of supervisors, approved November 19, 1912, call a special municipal election, to be held in the city and county of San Francisco, on the tenth day of December, one thousand nine hundred and twelve, and ordered placed upon the ballot at said election, the

said thirty-seven several proposals to amend the charter of the city and county of San Francisco; and

San Francisco
charter
amendments.

WHEREAS, Said special municipal election was held in said city and county of San Francisco, on the tenth day of December, one thousand nine hundred and twelve, which day was more than twenty days and less than forty days after said proposed charter amendments had been published for ten days in the *Daily Journal of Commerce* newspaper; and

WHEREAS, On the sixteenth day of December, one thousand nine hundred and twelve, and thereafter at meetings duly convened in accordance with law, the board of supervisors of said city and county duly and regularly canvassed the returns of said special municipal election, and duly declared the results thereof, said board being by law authorized to conduct, manage and control the holding of said elections and all matters pertaining to such elections in said city and county; and

WHEREAS, At said special election so held on the tenth day of December, one thousand nine hundred and twelve, seventeen of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit: Charter amendments numbered one, two, three, thirteen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-six, thirty, thirty-one, thirty-two, thirty-six, and thirty-seven, and that all other amendments received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, Thereafter, to wit on the thirtieth day of December, one thousand nine hundred and twelve, the said board of supervisors duly filed in the clerk's office of said board, the "Official statement of votes polled at the special election held in the city and county of San Francisco, State of California, on Tuesday, the tenth day of December, A. D. 1912, for charter amendments"; and

WHEREAS, The said seventeen charter amendments so ratified by the electors of the city and county of San Francisco, are now submitted to the legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California, and are in words and figures as follows, to wit:

CHARTER AMENDMENT No. 1.

That a new section be added to chapter II of article II of the charter, to be known as section 10 and to read as follows:

Section 10. The board of supervisors may acquire land in the district bounded by Market street, Golden Gate avenue and Franklin street, for the purpose of establishing a civic center, and when it appears to the advantage of the city and county so to do it may acquire land in excess of the actual requirements, and may dispose of any such excess in exchange for other lands within such district or for the purpose of acquiring additional lands or for the erection of structures thereon. It may convey

Land for
civic
center.

to the State of California a parcel of land in such district for the purpose of the erection of a state building thereon and in consideration therefor may receive from the state any parcel of land in such district now owned by the state; and with the consent of the board of trustees of the public library and reading rooms it may exchange parcels of land with the said board of trustees, and upon such exchange said board of trustees is hereby authorized to relinquish control of such land as may have been heretofore set apart for its use. It may authorize the erection of an auditorium by the Panama-Pacific International Exposition Company, or of an opera house, museum, or other structure, provided the ownership of such structure shall always be vested in the municipality.

CHARTER AMENDMENT No. 2.

To amend section 1 of chapter II of article II by adding a new subdivision to section 1, to be numbered 37, to read as follows:

Super-
visors to
govern
street,
building,
etc., mat-
ters on
Panama-
Pacific ex-
position
site.

37. The board of supervisors shall pass such ordinances governing the use and closing of streets, the erection, use, alteration, demolition and control of buildings and structures of every nature and description; the installation, use and control of plumbing, water, gas, steam, sewerage and other pipes and instrumentalities; the use and control of electric light, power, and other wires, conduits, generating, transmitting and other apparatus; the erection and maintenance of steam boilers, steam, gas, and other engines and apparatus; the maintenance and control of fire and police protection, and governing any and every other matter necessary, proper or expedient for the safety, convenience and welfare of the public within that portion of the city and county of San Francisco which has been or may be selected as the site for the holding of the Panama-Pacific International Exposition. The provisions hereof, and the ordinances adopted hereunder, shall supersede all conflicting provisions of this charter, and all conflicting provisions of any ordinance heretofore passed, so far as the same apply to the site herein specified, until the first day of January, 1917; *provided*, that no ordinance passed by virtue of any provision herein contained shall be operative outside of the limits of the site hereinabove specified.

To amend article XIV by adding thereto a new section to be known as section 13, and to read as follows:

Panama-
Pacific
Internat-
ional ex-
position
company
to control
Lobos
square.

Section 13. Notwithstanding anything in this article contained, the board of park commissioners are hereby authorized and directed to transfer to the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California March 22, 1910), the exclusive possession, use, management and control of Lobos square, such management, control, possession and use to be for the purposes of the Panama-Pacific International Exposition and to terminate not later than one year after the closing of such exposition.

CHARTER AMENDMENT No. 3.

That section 1 of article XIII is hereby amended to read as follows:

APPOINTMENT AND REMOVAL OF COMMISSIONERS.

Section 1. The mayor shall appoint three persons as civil service commissioners, who shall constitute the civil service commission. The persons so appointed shall before taking office, make under oath, and file in the office of the county clerk, the following declaration: "I am opposed to appointments to the civil service as a reward for political activity, and will execute the duties of civil service commissioner in the spirit of this declaration." The term of one commissioner shall terminate at twelve o'clock noon, July 1, 1915; the term of another shall terminate at twelve o'clock noon, July 1, 1917, and the term of another shall terminate at twelve o'clock noon, July 1, 1919. On the expiration of the term of any such commissioner the mayor shall appoint a successor with like qualifications to serve as a commissioner for a term of six years. Each of the commissioners shall receive an annual salary of twelve hundred dollars. The commissioners may be removed from office in the same manner as are elective officers of the city and county, and not otherwise. The supervisors shall appropriate annually not less than twelve thousand five hundred dollars for the expenses of the commission, and not less than five thousand dollars additional for the inspection service provided in section 14 of this article.

Civil service commissioners.

That section 2 of article XIII is hereby amended to read as follows:

CLASSIFIED SERVICE.

Section 2. The commissioners shall classify, in accordance with duties attached thereto, all places of employment in or under the offices and departments of the city and county, not exempted under section 11 of this article, or which may be created hereafter and not specifically exempted by this charter. The commissioners may grade, and from time to time regrade, the positions covered by any class, in accordance with salaries and duties, to the end that like salaries shall be paid for like duties. The commissioners may from time to time provide by rule for the manner in which such positions shall be filled. New positions when created shall be classified, graded and filled in accordance with these provisions. Before any new position is created, the authority creating such position shall secure from the civil service commission the proper designation of such position, and the title of such position shall correspond with the classifications adopted in accordance with the provisions of this section. In other than the bureaus of engineering and architecture no appointee shall hold a position carrying a salary above the maximum established for the grade for which he has qualified except by securing such promotional rating as the commission shall direct. Any classification or grading may be amended or abolished by the com-

Classified service.

mission, and classes calling for similar qualifications may be consolidated, but persons who have been appointed from any such class shall retain any position lawfully held thereunder so long as such position is maintained unless removed in accordance with the provisions of section 12. The places of employment not exempted shall constitute the classified civil service of the city and county, and no appointment to any such place shall be made except in accordance with the provisions of this article and the rules adopted thereunder by the civil service commission.

That section 5 of article XIII is hereby amended to read as follows:

EXAMINATIONS.

Examina-
tions.

Section 5. The commissioners shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the city and county to be examiners; and if in the official service it shall be a part of their official duty, without extra compensation, to conduct such examinations as the commissioners may direct, and to make return and report thereof to the commissioners. The commissioners may substitute any other person, whether in or not in such service, in the place of any one so selected, or may themselves act as such examiners. Applicants for positions in the mechanical trades and occupations may, in the discretion of the commission, be rated solely on experience and physical qualifications, which may be demonstrated by such evidence and in such manner as the commission may direct; and the applicants may be submitted to such further tests as the commission may require. Examination of laborers shall relate only to physical qualifications and experience, and laborers establishing their fitness shall rank upon the register in order of priority of application. No question in any examination shall relate to political or religious opinions or affiliations.

That a new section is hereby added to article XIII, numbered 7½, to read as follows:

PROVISION FOR THE DISABLED.

Provision
for dis-
abled
employees.

Section 7½. When a civil service employee other than members of the police and fire departments who has served three years in his position has become incapable through age, accident or other disability of satisfactorily performing the duties of the positions covered by the class in which he has qualified, the civil service commission may, in its discretion, at the request of the appointing power, authorize his transfer to another class whose duties are within his capacity, and may, by a unanimous vote order that he be preferred for appointment to a designated position; but such position shall be one having a smaller compensation than the position from which he may be transferred, and the compensation shall not be increased subsequent to his appointment thereto.

That section 8 of article XIII is hereby amended to read as follows:

PROMOTIONS, BASIS OF.

Section 8. The commissioners shall provide for promotion in the classified service on the basis of ascertained merit and standing upon examination; and shall provide, wherever practicable, that vacancies shall be filled by promotion. All examinations for promotions shall be competitive among such members of the next lower rank, as established by the commissioners, as desire to submit themselves to such examinations. The commissioners shall submit to the appointing power the names of not exceeding three applicants having the highest rating for each promotion.

Basis of promotions.

That section 9 of article XIII is hereby amended to read as follows:

DUTY OF HEADS OF DEPARTMENTS—CANDIDATES HIGHEST ON REGISTER.

Section 9. Whenever a position classified under this article is to be filled, the head of the department or office controlling such position shall notify the commission of that fact, and the commission shall then certify to the appointing officer the name and address of one or more candidates in the discretion of the commission, but not exceeding three, standing highest upon the register for the class or grade to which the position belongs. In making certification for employment sex shall be disregarded, except when some statute, the rules of the commission, or the appointing power specifies sex. The commission shall not certify the name of any person who in the judgment of the commission is not of good moral character, or who has secured a place upon the eligible lists by fraud, concealment of fact, or by violation of the rules of the commission; and having certified such person shall cancel such certification; and the commission shall remove the name of any such person from all civil service registers.

Positions, how filled.

That section 11 of article XIII is hereby amended to read as follows:

DEPARTMENTS GOVERNED BY THIS ARTICLE.

Section 11, subdivision A. The provisions of this article shall apply to the following offices and departments of the city and county: The county clerk, the assessor, the tax collector, the sheriff, the auditor, the recorder, the treasurer, the coroner, the clerks and stenographers of the justices' and police courts, the board of public works, the police department, the fire department, the board of election commissioners, the board of health, the department of electricity, the board of supervisors, the civil service commission, and all boards and departments controlling public utilities, but the following deputies, clerks and employees in said offices and departments shall be exempted therefrom: The chief deputy of the county clerk; the chief deputy and the deputy designated as the cashier of the assessor; the chief deputy and the cashier of the

Departments under civil service.

tax collector; four deputies of the sheriff designated as the under-sheriff, the chief bookkeeper, the attorney, and the cashier; the deputy auditor; the chief deputy of the recorder; four employees of the treasurer designated as the cashier, the chief deputy, one assistant deputy designated as bond deputy, and one clerk; the chief deputy and the autopsy physician of the coroner; the city engineer; the secretary of the board of public works; the city architect; the registrar of the board of election commissioners; the justices' clerk; the chief of police; the chief engineer and secretary of the fire department; the chief of the department of electricity; the clerk of the board of supervisors; all physicians appointed by the board of health; persons appointed by the mayor, under the authority of this charter; the chief deputy and the head of any bureau or department created by this charter or by ordinance; the chief examiner and special examiners appointed by the civil service commission, and persons employed by the commission to exercise the authority conferred by section 14 of this article; the manager or superintending head of each public utility; attorneys and physicians employed to perform duties included in their profession; persons employed by the board of supervisors for temporary service in positions requiring high technical skill; persons employed in positions having a confidential relation to the head of the department in which the employment is held, but not more than one such position shall be established in any department; persons employed on public works outside the city and county. Any person who has served in any position in the office of the assessor, the coroner, the recorder, the county clerk, the sheriff, the office of justices' clerk, the board of supervisors or the treasurer for a period of one year continuously prior to the approval of this amendment and who shall be actually employed in any of said offices at such time is hereby declared to be appointed within the provisions of article XIII of this charter to the position to which he may be assigned and shall be entitled to all the benefits of said article thereafter.

PREFERENCE FOR QUALIFIED EMPLOYEES.

Persons preferred for appointment.

Subdivision B. The following persons securing standing on the eligible lists in examinations shall be preferred for appointment:

1. Persons employed in the operating service of the Geary Street Park and Ocean Railroad Company on May 5, 1912, such preference to be solely for employment in the municipal railroad service;

2. Persons employed in the operating service of any public utility acquired by the city who have been so employed for not less than one year; and such persons so employed at the time a public utility is acquired by the city shall continue in their positions. All officers, courts, boards or heads of departments vested in this charter with the power to appoint deputies, clerks, stenographers or other employees of any designation

whatsoever shall make appointments only in accordance with the provisions of this article and the rules adopted thereunder and any appointment not so made shall be void.

That section 12 of article XIII is hereby amended to read as follows:

DISMISSALS FOR CAUSE ONLY—TRIALS AND SUSPENSIONS.

Section 12. No person employed in the classified civil service shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense. Pending the hearing of such charges, the appointing officer or department may suspend the person so accused, but such suspension shall not be valid for more than thirty days upon any charge unless the hearing thereon shall be delayed beyond such time by the act of the person so accused. When such charges are filed with the appointing officer or officers of the department in which the employee serves, such officers shall publicly hear and determine such charges. The finding of such officers shall be final unless, within a period of thirty days therefrom, the employee so tried appeals to the civil service commission against such finding. The appeal must be in writing, and must briefly state the reasons upon which it is based. The commission may confirm the finding, or may require the officers to present in writing the grounds for discharge or dismissal, and may require the submission of additional evidence; and may thereupon make such order as it deems just. The order or decision of the civil service commission upon such appeal shall be final, and shall forthwith be enforced by the appointing officers. If the civil service commission shall reverse or alter the finding of the appointing officer, it may, in its discretion, order that the employee affected shall be paid his salary from the time of his discharge or suspension. The civil service commission may hear and determine charges filed by any citizen, or by the authorized agents of the commission acting under the power conferred by section 14 of this article, when the appointing power neglects or refuses to act. The appointing officer or officers of a department may, for disciplinary or penal purposes, suspend a subordinate for a period not exceeding thirty days, and such suspension shall carry with it the loss of salary for the period of suspension. Removal or discharge for cause may be upon any of the following grounds: Incompetence; habitual intemperance; immoral conduct; insubordination; discourteous treatment of the public; inattention to duties. The provisions of this section shall not apply to persons employed in the operating department of any public utility.

That section 17 of article XIII is hereby amended to read as follows:

SUPPLIES AND EMPLOYEES.

Section 17. The supervisors shall furnish the commission with suitable offices, office furniture, books, stationery, blanks, heat and light, and shall provide for the payment of such other

expenses as may be necessarily incurred in carrying out the provisions of this article. The compensation of special examiners employed under section 5 and of the investigators employed to perform the duties set forth in section 14 shall be fixed by the commission. The commission may employ such permanent assistants as may be necessary, at such salaries as the supervisors may fix upon the recommendation of the commission. The compensation and salaries herein provided for shall be paid out of the appropriations specified in section 1.

That section 19 of article XIII is hereby amended to read as follows:

VERIFICATION OF PAY ROLLS.

Verifica-
tion of pay
rolls.

Section 19. The pay rolls or demands for salaries, wages or compensation of all deputies, assistants, clerks and employes of every class or description, without regard to the name or title by which they are known, for each department, board, office or bureau subject to the provisions of this article, shall be transmitted to the civil service commission before presentation to the auditor. The commission shall examine said pay rolls or demands and shall approve the demands of all persons appointed or employed in accordance with the provisions of this article. The pay rolls or demands thus approved, with notation of any item thereof disapproved, shall be then certified by the commission and transmitted by it to the auditor. The auditor shall not approve and the treasurer shall not pay any demand or warrant for salary, wages or compensation unless said demand shall have been approved by the civil service commission.

SCHEDULE.

To take
effect,
when.

This amendment shall take effect upon its ratification by the legislature; *provided*, that the provisions of section 1 with respect to the appointment of civil service commissioners shall take effect on the dates specified as follows: The term of the successor to the commissioner whose term expires January 8, 1913, shall expire July 1, 1915; the successor to the commissioner whose term expires January 8, 1914, shall be appointed for the term ending July 1, 1917, and the successor to the commissioner whose term expires January 8, 1915, shall be appointed for the term ending July 1, 1919.

CHARTER AMENDMENT No. 13.

Qualifica-
tions for
office.

To amend section 2 of article XVI to read as follows:

Section 2. All persons appointed to office, position or employment under the city and county must be citizens of the United States, and must, during their respective terms of office or employment actually reside in the city and county, and must have so resided for the period of one year next preceding their appointment; *provided*, that positions requiring expert or technical training may, by resolution of the board of supervisors approved by the mayor, be exempted from this condition, and there shall be imposed in lieu thereof a certification of training and experience. Appointees whose duties are

performed outside the city and county shall not be subject to the requirements of this section. All provisions of the charter in conflict with this section are hereby repealed.

CHARTER AMENDMENT No. 18.

That sections 1, 2 and 14 of chapter III of article VI be amended so as to read as follows:

Section 1. Whenever the public interest or convenience may require, the supervisors shall have full power and authority to order the extending, widening, straightening or closing up, in whole or in part, of any street, avenue, lane, alley, court or place within the city and county and shall have further full power and authority to order the opening of any new street, avenue, lane, alley, court or place within the city and county, and to condemn and acquire any and all lands and property necessary for any of the foregoing purposes, and shall have further full power and authority to order to be done in the same proceeding and as a part thereof any and all street work and street improvement in and on any street, avenue, lane, alley, court or place which the supervisors shall, under the powers conferred upon said supervisors in this chapter and article, order to be extended, widened, straightened or opened. The cost, damage and expense of such opening, extending, curving, straightening and closing up of any street, avenue, lane, alley, court or place and of said street work and street improvement may be assessed in whole or in part on property benefited or may be paid in whole or in part out of the revenues of the city and county. Two or more streets, avenues, lanes, alleys, courts or places laid out in pursuance of one general plan may be opened under one proceeding, and all street work and street improvement therein and thereon may be done under the same proceeding and the property benefited may be assessed according to the benefit from such general plan for the cost, damage and expense thereof.

The supervisors are further empowered to provide by ordinance, or ordinances, passed by twelve members of the board, the procedure for fully and completely exercising the powers conferred in this section and the procedure provided for in the following sections of this chapter shall not be deemed exclusive. In such ordinance or ordinances if said board deems it expedient, provision may be made for the payment of an assessment levied in pursuance of the provisions thereof in annual installments covering a term not to exceed ten years upon such conditions as to such board may seem reasonable and just, the rate of interest to be made on such payments not to exceed seven per cent per annum. Or the supervisors may by resolution, as in the following sections provided, declare that any such opening, extending, widening, straightening or closing up of any street, avenue, lane, alley, court or place and said street work and street improvement shall be done or made in the manner and in accordance with the following provisions of this chapter or as said provisions may be hereafter amended; in

which case the proceedings set out in the following sections of this chapter shall be taken and had.

Resolution
of inten-
tion.

Section 2. Before ordering such opening, extending, widening, straightening or closing up of any street, avenue, lane, alley, court or place and said street work and street improvement to be made or done the board of supervisors shall pass a resolution declaring their intention so to do and further declaring that the same shall be done or made in the manner and in accordance with the provisions of this section and the following sections of this chapter. Said resolution shall describe the same and the work to be done and the land and property deemed necessary to be taken therefor, and shall specify the exterior boundaries of the district to be affected or benefited by the improvement and work, and to be assessed to pay the damages, costs and expenses thereof.

In case said damage, cost and expense or any proportion thereof, is to be paid out of the revenues of the city and county the supervisors in such resolution may so declare or at any time thereafter and before the complete payment of said damages, costs and expenses, said board may declare and determine that any part or the whole thereof remaining unpaid shall be paid out of the revenues of the city and county.

Delinquent
payments.

Section 14. The said board of public works shall thereafter proceed to advertise and collect the various sums delinquent and the whole thereof, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece or parcel of land separately assessed by the sale of the assessed property in the manner hereinafter specified; and after the date of said delinquency and before the time of such sale herein provided for, no assessment shall be received unless at the same time the five per cent added thereto, as aforesaid, together with the costs of advertising then already incurred, shall be paid therewith. The said property shall be sold and when sold shall be subject to redemption in the manner following, to wit:

Publica-
tion of de-
linquents.

1st. The board of public works shall, within ten days from date of such delinquency, begin the publication of a list of the delinquent assessments, which list must contain a description of each parcel of property delinquent, and opposite or against each description, the name of the owner as stated in the assessment roll, and the amount of the assessment, penalty and costs due, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece or parcel of land, separately assessed. The board of public works shall append to and publish with said delinquent list a notice that unless each assessment delinquent, together with the penalty and costs thereon, is paid, the property upon which such assessment is a lien, will be sold at public auction at a time and place to be specified in the notice. The publication must be made for a period of ten days, in the official newspaper of said city and county of San Francisco. The time of sale must not be less than five days, nor more than ten days, after the expiration of the period of publication of said list, and the place of sale must

be in, or in front of, the building wherein is situated the office of the board of public works.

2d. At any time after such delinquency, and prior to the sale of any piece of property assessed and delinquent, any person may pay the assessment on such piece of property, together with the penalty, and costs then due, including the cost of advertising, if such payment is made after the first publication of the list of delinquent assessments. The board of public works shall thereupon mark such assessment "paid," as hereinbefore provided.

Payment of delinquency before sale.

3d. On the day fixed for the sale the board of public works must, at the hour of ten o'clock a.m. commence the sale of the property advertised, commencing at the head of the list, and continuing in the numerical order of lots or parcels of land until all are sold; *provided*, that the board of public works may postpone or continue the sale from day to day until the property is sold. Each lot, piece or parcel of land separately assessed must be offered for sale separately, and the person who will take the least quantity of land, and then and there pay the amount of the assessment, penalty and costs due, including fifty cents to the board of public works for a certification of sale, shall become the purchaser. In case there is no purchaser, for any lot, piece or parcel of land so offered for sale, the same shall be struck off to the said city and county of San Francisco, as purchaser, and the board of supervisors shall appropriate out of the general fund of the treasury, the amount then due against the lot, piece or parcel of land, and shall order the county treasurer to place the same in the special fund for such improvement. No charge shall be made for the certificate of sale when the said city and county of San Francisco is the purchaser.

Sale of property for delinquency.

4th. After making the sale, the board of public works must execute, in duplicate, a certificate of sale setting forth a description of the property sold, the name of the owner thereof, as given on the assessment roll, that said property was sold for a delinquent assessment (specifying the improvement for which the same was made), the amount for which such property was sold, the date of sale, the name of the purchaser, and the time when the purchaser will be entitled to a deed. The board of public works must file one copy of such certificate in its office and deliver the other to the purchaser, or if the said city and county of San Francisco is the purchaser, to the clerk of the board of supervisors, who shall file the same in his office. On the filing of the copy of such certificate in the office of the board of public works, the lien of the assessment shall vest in the purchaser, and is only divested by a redemption of the property, as in this act provided. The board of public works shall also enter on the assessment roll, opposite the description of each piece of property offered for sale, a description of the part thereof sold, the amount for which the same was sold, the date of the sale, and the name of the purchaser.

Certificate of sale.

5th. A redemption of any parcel of property sold for delinquent assessment may be made by any party in interest, at any

Redemption.

time prior to the execution and delivery of a deed therefor, by paying to the board of public works the amount for which the property was sold, and in addition thereto, ten per cent thereon if paid within three months after the date of the sale; twenty per cent if paid within six months; thirty per cent if paid within nine months; forty per cent if paid within twelve months, or fifty per cent if paid at any time after twelve months. When redemption is made, the board of public works shall note that fact on the duplicate certificate of sale on file in its office, and deposit the amount paid with the county treasurer, who shall credit the purchaser named in the certificate of sale with the said amount and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of assignment thereof, if any. When the said city and county of San Francisco is the purchaser, the county treasurer shall notify the clerk of the board of supervisors of the redemptions, and such clerk shall thereupon cancel the certificate of sale on file in his office.

Deed.

6th. At any time after the expiration of twelve months from the date of the sale, the board of public works must execute to the purchaser, or his assignee, on his application, if such purchaser or assignee has complied with the provisions of this section, a deed of the property sold, in which shall be recited substantially the matters contained in the certificate, also any assignment thereof and the fact that no person has redeemed the property. The board of public works shall receive from the applicant for the deed, one dollar for making such deed, unless the said city and county of San Francisco is the purchaser, in which case no charge shall be made therefor.

Deed prima facie evidence.

7th. The deed of the board of public works shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings hereunder prior to the execution thereof, and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the necessity of the improvement and work and of the correctness of the compensation awarded for lands taken or damaged.

Street fund.

8th. The board of public works shall from time to time, pay over to the county treasurer all moneys collected by the board on account of any assessments made under the provisions hereof. The county treasurer shall on receipt thereof, place the same in a special fund, designating such fund by the name of the street, avenue, square, lane, alley, court or place for the widening, opening or other improvements for which the assessment was made. Payment shall be made from said fund to the parties entitled thereto upon warrants signed by the members of the board of public works. With respect to all matters provided for or prescribed by this section to be done or performed by said board of public works, the majority of said board may act.

CHARTER AMENDMENT No. 19.

That chapter VIII of article VI be amended so as to read as follows:

CHAPTER VIII.

TUNNELS, SUBWAYS AND VIADUCTS.

Section 1. The board of supervisors are hereby empowered to order the construction of and construct any tunnel, subway or viaduct in, on, under or over any accepted or unaccepted open public street, avenue, lane, alley, place or court within the city and county, or any other land of the city and county, or in, on, under or over any land or water in which and where the city and county may then have an easement or right of way therefor, and to levy the damages, cost and expenses thereof upon private property in the manner and under the procedure and powers in chapter II of this article provided for street work and street improvement. Said method of procedure shall not be deemed exclusive, but the board of supervisors may, by an affirmative vote of at least twelve of its members, adopt an ordinance which may from time to time be revised or amended, providing a method of procedure for such improvement, work and assessment and for the ascertainment and payment of damages and for the manner in which protests against such assessments and damages awarded may be heard and determined, and for the manner in which such assessment may be collected and paid and property delinquent thereunder may be sold, and for the procedure for fully and completely exercising the powers conferred in this section; and in such ordinance, if said board deems it expedient, provision may be made for the payment of any assessment levied in pursuance of the provisions thereof in annual installments covering a term not to exceed ten years upon such conditions as to the said board may seem reasonable and just, the rate of interest to be paid on such payments not to exceed seven per cent per annum.

Tunnels,
subways,
etc.

Section 2. The board of supervisors are hereby empowered to authorize the acquisition, by purchase or condemnation and to acquire by purchase, or to condemn and acquire, any and all land, or any easement or right of way therein, thereon, thereunder or thereover, and any property necessary and convenient for any purpose mentioned in section 1 of this chapter, and to levy the damages, costs and expenses thereof upon private property, in the manner and under the procedure and powers in chapter III of this article provided, for the opening, extending, straightening and closing up, in whole or in part, of any street, avenue, lane, alley, court or place. But said method of procedure shall not be deemed exclusive, but the board of supervisors may by an affirmative vote of at least twelve of its members, adopt an ordinance, which may from time to time be revised or amended, providing a method of procedure for such acquisition and for the ascertainment and payment of damages and for the manner in which protests against such assessments and damages awarded may be heard and determined, and for

Acquisition
of land
etc., for
tunnels,
etc.

the manner in which such assessment may be collected and paid and property delinquent thereunder may be sold, and for the procedure for fully and completely exercising the powers conferred in this section; and in such ordinance, if said board deems it expedient, provision may be made for the payment of any assessment levied in pursuance of the provisions thereof in annual installments covering a term not to exceed ten years upon such conditions as to the said board may seem reasonable and just, the rate of interest to be paid on such payment not to exceed seven per cent per annum. Lands or property which the supervisors deem necessary to take the place of such portion of the street or streets as may be used in the construction of the tunnel, including its portals and approaches, and to restore to the street surface travel thereon are hereby declared to be necessary and convenient lands or property for the purposes mentioned in section 1.

Construction and acquisition in one proceeding.

Section 3. If the board of supervisors deems it expedient, the construction and acquisition mentioned in sections 1 and 2 of this chapter may be initiated and completed in one proceeding; and in exercising the power to provide by ordinance for methods of procedure hereinbefore provided for such ordinance may provide for a single procedure for the work mentioned in section 1 and the acquisition mentioned in section 2 of this chapter. Any existing ordinance providing a method of procedure for the work mentioned in section 1 of this chapter may be amended so that it may also provide a method of procedure for the acquisition mentioned in section 2 of this chapter. But the supervisors may, in any case, determine to proceed with the work mentioned in section 1 hereof and with the acquisition mentioned in section 2 hereof in separate proceedings.

Cost may be paid from city and county treasury.

Section 4. The board of supervisors may, in its discretion, order that the whole or any part of the costs and expenses of any of the work or acquisitions in sections 1 and 2 of this chapter mentioned, or the damages resulting therefrom, be paid out of the treasury of the city and county from such funds as the board of supervisors may designate. Such discretion may be exercised by the board of supervisors at any time prior to the time of making an assessment therefor. Whenever a part of such damages, cost or expense is so ordered to be paid, before the making of an assessment therefor, the board of public works, in making up the assessment providing for such damages, cost or expense, shall first deduct from the whole damages, cost and expense such part thereof as has been ordered to be paid out of the municipal treasury and shall assess the remainder proportionately upon the lots, parts of lots, and lands in the assessment district or districts liable to be assessed therefor.

No exclusive right to tunnels, etc.

Section 5. No person, firm or corporation shall ever be granted the exclusive right to operate a street or other railroad through, in or under any tunnel, subway or viaduct constructed or acquired under the provisions of this chapter. Two or more lines of street railways operated under different managements

may use the same tunnel, subway or viaduct for the entire length thereof and for five consecutive blocks approaching each end thereof, each management paying an equal portion of the expense for the construction, maintenance and repairs of the tracks and appurtenances used by said railways jointly. The city and county in the operation of a municipal railway may use any such tunnel, subway or viaduct either singly or jointly with any privately operated railway for the entire length thereof and for any number of blocks approaching each end thereof; and in case of joint use of tracks shall pay an equal portion of the expense for the construction, maintenance and repairs of the tracks and appurtenances used by said railways jointly.

Section 6. Two or more tunnels to be constructed in pursuance of one general plan may be so constructed under one proceeding and any or all acquisitions or condemnations of lands or easements or rights of way therein and any property necessary and convenient for the same may be acquired or condemned in the same proceedings and the property benefited may be assessed for the costs, damages and expenses thereof according to the benefit from such general plan.

Two or more tunnels under one proceeding.

CHARTER AMENDMENT NO. 20.

That section 33 of chapter II of article VI be amended to read as follows:

Section 33. The method of procedure in this article provided for the improvement of streets, or for the construction of tunnels, subways or viaducts and appurtenances thereto, and for the assessment of the expense thereof or any portion of such expense upon private property shall not be deemed exclusive, but the board of supervisors by an affirmative vote of not less than two thirds of the members thereof, may by ordinance substitute therefor any method of procedure in any general law of the State of California now in force and effect, or as the same may be amended or that may hereafter be enacted, providing for any such improvements in municipalities, and levying assessments for the expense or portion thereof upon private property; or the said board may by a like affirmative vote of the members thereof adopt an ordinance which may from time to time be revised or amended, providing a method of procedure for such improvement and assessment; and in such ordinance if said board deems it expedient, provision may be made for the payment of any assessment levied in pursuance of the provisions thereof in annual installments covering a term not to exceed ten years upon conditions as to said board may seem reasonable and just, the rate of interest to be paid on such payments not to exceed seven per cent per annum. In any proceeding for the improvement of streets wherein provision is made for the payment of any assessment in annual installments, the amount of such assessment shall not be limited by the provisions contained in subdivision three of section 8 of this chapter.

Method provided not exclusive.

CHARTER AMENDMENT No. 21.

That a new section be added to article XVI, designated as section 29½, and to read as follows:

Section 29½. A municipal indebtedness may be incurred and bonds may be authorized to be issued therefor by the voters for the purpose of facilitating the performance of street or any other kind of public work, or opening of streets, or acquisition of property for any of the aforesaid purposes, the cost of which is to be assessed upon private property benefited thereby; *provided*, that said cost shall in the aggregate exceed the sum of five hundred thousand dollars. To authorize such indebtedness the supervisors shall adopt a resolution declaring the necessity therefor and at any time thereafter may call an election for the purpose of submitting to the electors the proposition of authorizing the issuance of bonds and the incurring of the indebtedness. Such election may be held at the same time as any other election, or otherwise, as the supervisors may determine, but if held at the same time as is a general state or municipal election separate ballots may be used and the paper on which the ballots are printed shall be distinctively different from that used for the election of officers. The principal and interest on such bonds may be paid from the fund herein provided for or as other bonds of the city and county are redeemed and paid in the discretion of the supervisors. The full faith and credit of the city and county shall be pledged for the punctual payment of the principal and interest. Such indebtedness shall be no part of the debt limited by section 9 of article XII of the charter. The maximum rate of interest shall not exceed five per centum per annum and the principal shall be payable at any time after ten years and within twenty years from their date, as may be determined by the board of supervisors. If more than two thirds of the voters voting at such election shall vote in favor of the incurring of the indebtedness, then such bonds may be issued as herein provided. The bonds so authorized shall be sold in such amounts and at such times as the supervisors may direct and the proceeds arising from such sale shall be placed in a special fund known as the public work revolving fund. The moneys in such fund shall be used to pay the cost of any public improvement, the cost of which (or any portion thereof) has been or may be assessed against private property benefited thereby, or may be used to pay the principal or interest on the bonds issued as herein provided. All sums paid on account of such assessment shall be placed to the credit of such fund. Interest shall be charged on all such assessments at the rate of six per centum per annum, from the date of the acceptance of the work for the payment of which the assessments were imposed. Such assessments when exceeding \$25 may be paid in not more than ten annual installments. The supervisors shall, by proper legislation provide for the carrying into effect the provisions of this section.

Municipal
indebted-
ness.

Maximum
rate of
interest.

CHARTER AMENDMENT No. 22.

That a new section be added to chapter II of article II to be numbered section 10, to read as follows:

Section 10. The board of supervisors, in the manner provided in the preceding section, may sell a portion of the relief home tract not adapted to public use, being a portion of the Rancho San Miguel and generally described as lying southerly and westerly from the lands of the Spring Valley Water Company. The proceeds arising from such sale shall be used exclusively for the purchase of other lands adjoining such relief home tract.

Super-
visors un-
powered
to sell
portion of
relief home
tract.

CHARTER AMENDMENT No. 23.

That a new section be added to article XVI thereof, to be numbered section 1½, to read as follows:

Section 1½. No political, religious or partisan qualification shall hereafter be required for election or appointment to any office under the city and county. The right to hold any office or position shall not be limited by sex. Any provision of this charter in conflict with this section is hereby repealed.

Qualifi-
cations for
office.

CHARTER AMENDMENT No. 24.

That section 3 of chapter V of article IV be amended so as to read as follows:

Section 3. On request of the assessor or the tax collector the city attorney shall commence and prosecute actions for the collection of taxes.

Actions for
collection
of taxes.

CHARTER AMENDMENT No. 26.

That section 4, chapter X, article VIII be amended to read as follows:

The commissioners shall, out of the police relief and pension fund, provide as follows for the family of any officer, member or employe of the department who may be killed or injured while in the performance of his duty, and who shall have died within one year from the date of such injury; and the receipt by such officer, member or employe of any relief under this chapter, during his lifetime shall not bar the said family from the benefits of this section:

Provision
from police
relief and
pension
fund.

First—Should the decedent be married, his widow shall as long as she may remain unmarried be paid a monthly pension equal to one half of the salary attached to the rank held by the decedent at the time of his death.

Second—Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such children shall collectively receive a pension equal to one half the salary attached to the position held by their father at the time of his death until the youngest attains the age of sixteen years.

Third—Should the decedent leave no widow and no orphan child or children, but leave a parent or parents depending solely upon him for support, such parents, so depending, shall collectively receive a pension equal to one half the salary

attached to the position held by the decedent at the time of his death, during such time as the commissioners may unanimously determine its necessity.

That section 5, chapter VII, article IX, be amended to read as follows:

Provision
from fire-
men's relief
fund.

Section 5. The commissioners shall, out of the firemen's relief fund, provide as follows for the family of any officer, member or employee of the fire department who may be killed or injured while in the performance of his duty, and who shall have died within one year from the date of such injury, and the receipt by such officer, member or employee of any relief under this chapter, during his lifetime shall not bar the said family from the benefits of this section.

First—Should the decedent be married, his widow shall as long as she may remain unmarried be paid a monthly pension equal to one half of the salary attached to the rank held by the decedent at the time of his death.

Second—Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such children shall collectively receive a pension equal to one half of the salary attached to the position held by their father at the time of his death until the youngest attains the age of sixteen years.

Third—Should the decedent leave no widow and no orphan child or children, but leave a parent or parents depending solely upon him for support, such parents, so depending, shall collectively receive a pension equal to one half of the salary attached to the position held by the decedent at the time of his death during such time as the commissioners may unanimously determine its necessity.

CHARTER AMENDMENT NO. 30.

That there is added to section 1 of chapter II of article II, four new subdivisions to be numbered 38, 39, 40 and 41, to read as follows:

Bureau of
supplies.

38. To provide for and regulate the purchase, storage and distribution of all supplies for the various offices and departments, and may provide for the establishment of a bureau of supplies, and the employment of a chief of such bureau, with necessary employees and salaries therefor. The bureau so established may furnish all supplies and materials required by any officer or department of the city and county.

Forms for
warrants,
etc.

39. To prescribe the forms in which demands against the treasury shall be made and presented, and the forms in which warrants shall be drawn by the auditor and delivered for the payment thereof.

Uniform
system of
account-
ing.

40. To prescribe a uniform system of accounting for the various offices and departments.

Records.

41. To prescribe forms, methods and facilities for keeping the records, documents and files in any office or department of the city and county, unless otherwise provided by general laws.

CHARTER AMENDMENT No. 31.

That section 1 of chapter III of article VIII be amended by adding a new subdivision thereto to be known as subdivision 8 and to read as follows:

8. The board shall, of its own motion, and without the filing or presentation of any complaint, have power to initiate and conduct investigations of all matters affecting or relating to affairs of the police department or the discipline of the members thereof, and for the conduct of such investigations, shall have power to take and hear testimony touching the matters under investigation, administer oaths and affirmations, and upon such investigations, and upon the trial or hearing of all matters, jurisdiction to try or hear which is given by this charter to said board, shall have power to issue subpoenas for the attendance of witnesses and the production of books, papers and documents pertinent to the matter under investigation, or to said trial or hearing. Whenever any person subpoenaed to appear and give testimony or to produce such books, papers or documents as required by such subpoena, shall refuse to appear or testify before said board, or to answer any questions which the majority of said board shall decide to be proper and pertinent, he shall be deemed in contempt of said board, and it shall be the duty of the president of said board to report the fact to the presiding judge of the superior court of the city and county of San Francisco, State of California, who shall thereupon issue an attachment in the form usual in said superior court, directed to the sheriff of said city and county, commanding said sheriff to attach such person and forthwith bring him before said presiding judge of said superior court. On the return of said attachment, and the production of the person attached, the said presiding judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court of the State of California. Any member of said board shall have power to issue any subpoena herein provided for.

Power to investigate police department.

CHARTER AMENDMENT No. 32.

That a new section be added to article XIV, to be known as section 6a, and to read as follows:

Section 6a. The board of supervisors shall have power and authority to select and set aside by ordinance, in that certain square or park known as Jefferson square, bounded on the north by Eddy street, on the south by Golden Gate avenue, on the east by Gough street and on the west by Laguna street, a suitable and convenient site upon which may be erected by competent authority a central station for the fire alarm and police telegraph and telephone systems, said station when erected to be under the control and management of the joint

Fire alarm station, etc., for Jefferson square.

commission of the department of electricity, and said joint commission shall have power and authority, when said station is erected, to maintain across said square or park the necessary conduits, wires and lines leading to said station.

CHARTER AMENDMENT No. 36.

That a new section be added to article XII, to be known as section 10a, and to read as follows:

Sale of
"Library
bonds."

Section 10a. The board of supervisors is hereby authorized to sell certain bonds authorized at an election held September 29, 1903, and described as "library bonds," dated July 1, 1904, below the par value thereof, such price, however, not to be less than that which will net the purchaser four and one half per cent per annum according to the standard table of bond values. The signatures of the officers in office at the time such bonds were dated affixed to such bonds shall be sufficient to establish their validity.

CHARTER AMENDMENT No. 37.

That a new subdivision be added to section 1 of chapter II, of article II, designated as subdivision 42, to read as follows:

City plan-
ning com-
mission.

Subdivision 42. To provide by ordinance for the establishment of a city planning commission, which shall devise plans for the improvement and beautification of San Francisco. Members of said planning commission shall receive no compensation and shall not be subject to any prohibition forbidding officials from holding more than one office or position. The board of supervisors shall prescribe the duties of said commission, the number and qualifications of the members thereof, and in general shall enact all legislation not expressly forbidden by this charter or by general law necessary or incident to carrying into execution the propositions for which said city planning commission is instituted.

STATE OF CALIFORNIA, }
CITY AND COUNTY OF SAN FRANCISCO. } SS.

This is to certify that we, James Rolph, Jr., mayor of the city and county of San Francisco, and J. S. Dunnigan, clerk of the board of supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the charter of the said city and county of San Francisco with the original proposals, submitting the same to the electors of said city and county at a special municipal election held on Tuesday, the tenth day of December, one thousand nine hundred and twelve, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said city

and county of San Francisco, this 3d day of January, one thousand nine hundred and thirteen.

JAMES ROLPH, JR.,

Mayor of the City and County of San Francisco.

(SEAL)

J. S. DUNNIGAN,

Clerk of the Board of Supervisors of the
City and County of San Francisco.

Now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring (a majority of all the members elected to each house voting therefor and concurring therein), That said amendments to the charter of the city and county of San Francisco, as proposed to and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the city and county of San Francisco.

Approval
by legis-
lature.

CHAPTER 30.

Assembly Concurrent Resolution No. 24, approving thirteen certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles at a special municipal election held therein on the 24th day of March, 1913.

[Filed with Secretary of State April 7, 1913.]

WHEREAS, The city of Los Angeles in the county of Los Angeles, State of California, contains a population of over one hundred thousand (100,000) inhabitants and has been ever since the year 1889 and is now organized and acting under a freeholders' charter adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the legislature of the State of California on the 31st day of January, 1889 (Statutes of 1889, p. 455); and,

Los
Angeles
city,
charter
amend-
ments.

WHEREAS, The city council of said city of Los Angeles did, by ordinance designated as Ordinance No. 26,934 (new series), adopted by said city council on the 18th day of February, 1913, and approved by the mayor of said city on the 18th day of February, 1913, and pursuant to section 8 of article XI of the constitution of the State of California, duly propose to the qualified electors of said city of Los Angeles thirteen certain amendments, hereinafter set forth, to the charter of said city, to be submitted to said qualified electors at a special municipal election to be held in said city on the 24th day of March, 1913; and,

Los
Angeles
city,
charter
amend-
ments.

WHEREAS, Said thirteen proposed amendments hereinafter set forth were and each of them was published for ten times in a daily newspaper printed and published in said city and of general circulation therein, to wit, the *Los Angeles Daily Journal*, said publication ending on the 3d day of March, 1913; and,

WHEREAS, Thereafter the city council of said city did, by an ordinance designated as Ordinance No. 26,984 (new series), which was duly adopted on the 27th day of February, 1913, order the holding of a special municipal election in said city of Los Angeles on the 24th day of March, 1913, which last mentioned date was not less than twenty days nor more than forty days after the completion of the publication of said thirteen proposed amendments hereinafter set forth, for ten times in said daily newspaper of general circulation in said city of Los Angeles, to wit, the *Los Angeles Daily Journal*, and did provide in said ordinance for the submission of said thirteen proposed amendments to the said charter to the qualified electors of said city for their ratification at said special municipal election, which said ordinance was approved by the mayor of said city on the 4th day of March, 1913, and was published for at least five times prior to the time appointed for the holding of said election in the *Los Angeles Daily Journal*, a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of said thirteen proposed amendments hereinafter set forth to said charter; and,

WHEREAS, The city council of said city of Los Angeles, at a regular meeting thereof held within ten days after said election, duly canvassed the returns of said special election and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said thirteen proposed amendments to said charter; and,

WHEREAS, The mayor and city clerk of said city of Los Angeles did, on the 25th day of March, 1913, duly certify to the submission to the electors of said city of Los Angeles of said thirteen proposed amendments to said charter and to the ratification of said thirteen amendments and did further certify to a copy of said proposed amendments, authenticated by the seal of the said city of Los Angeles, which said certificate is in words and figures following, to wit:

STATE OF CALIFORNIA, }
COUNTY OF LOS ANGELES, } SS.
CITY OF LOS ANGELES. }

CERTIFICATE OF RATIFICATION OF PROPOSED CHARTER AMENDMENTS
TO THE CHARTER OF THE CITY OF LOS ANGELES.

We, the undersigned, George Alexander, mayor of the city of Los Angeles, State of California, and Charles L. Wilde, city clerk of said city, do hereby certify as follows, to wit:

That the city of Los Angeles, in the county of Los Angeles, State of California, contains a population of over one hundred thousand (100,000) inhabitants and has been ever since the year 1889 and is now organized and acting under a freeholders' charter adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the legislature of the State of California on the 31st day of January, 1889, (Statutes of 1889, p. 455);

That the city council of said city of Los Angeles did, by Ordinance No. 26,934 (new series), adopted by said council on the 18th day of February, 1913, approved by the mayor of said city on the 18th day of February, 1913, and pursuant to section 8 of article XI of the constitution of the State of California, duly propose to the qualified electors of said city of Los Angeles certain amendments to the charter of said city, to be submitted to the qualified electors at a special municipal election to be held in said city on the 24th day of March, 1913, which said amendments were and are in words and figures as follows, to wit:

Charter Amendment Number One.

That subdivision (7) of section 2 of article I of the charter be amended to read as follows:

(7) To acquire by purchase, condemnation, lease, gift or otherwise, or to construct, extend, maintain and operate within or without the city limits, any and all plants and property necessary or convenient for furnishing the city and its inhabitants, or other municipal corporations or territory outside the city, and the inhabitants thereof, with transportation, communication, telephones, telephone service or connections, terminal facilities, water, light, heat, power, refrigeration, storage, or any other public service; to sell the products or service of any such utility, and to acquire lands, rights and property necessary or convenient for furnishing such products or service; and for the purpose of such acquisition, construction, extension, maintenance or operation of any such public utility or service, the city shall have power to do any, all, or any number of the following:

Acquisition
and operation.
public
utilities.

(a) To acquire any such utility subject to outstanding bonds against the same, in an amount not to exceed the total price or consideration at which the city shall acquire such utility.

(b) To issue, without regard to the debt limit, bonds in an amount not to exceed the total price or consideration at which the city shall acquire any utility, such bonds to be a lien upon the property of such utility alone and the city otherwise not to be liable on account thereof; and to grant a security franchise for the operation of such utility in case of default in the payment of such bonds.

Acquisition
and opera-
tion,
public
utilities.

(c) To issue bonds against its general credit within the debt limit prescribed by law; but whenever such public utility shall, upon application by the city, be determined by the railroad commission of the State of California to be self-sustaining, then the bonds so issued may by ordinance approved by a majority of the voters voting thereon at an election, be excluded from the debt limit.

(d) To enter into a contract with the owner of any public utility held or operated under franchise rights acquired prior to the adoption of this charter, by the terms of which contract the city may acquire an option or right to purchase, upon such notice as may be prescribed in such contract, or may agree to purchase all or any part of the property of such utility, upon paying therefor a price to be fixed in accordance with the terms of the contract. Such contract may provide that the city may acquire the utility subject to all or any portion of the outstanding indebtedness against the same, within the limitations above prescribed, but no such contract shall be valid until it is approved by a majority of the qualified electors of the city voting thereon at an election. The financial obligation assumed by the city under any such contract shall not be subject to the debt limitation until the purchase is actually consummated, and then may be exempted by ordinance, approved by a majority of the electors voting thereon at an election, from such limitation, if the state railroad commission shall determine that the utility is self-sustaining. The provisions of the contract in this paragraph (d) mentioned need not include any, and the sale contract shall not be subject, as to the price to be paid thereunder, to any limitation prescribed in section 2 of this charter, of which section this paragraph (d) is a part. Nothing in any such contract contained shall operate to extend the term of any franchise of any utility therein mentioned.

(e) To acquire all necessary land, rights and property, either within or without the city limits, or both within and without such limits.

No public utility, plant or property owned by the city, except as herein otherwise provided, shall ever be leased for private operation for a longer period than ten years.

That subdivision (8) of section 2 of article I of the charter be amended to read as follows:

(8) To provide for supplying surplus water, gas or electricity belonging to the city, or the surplus product or service of any public utility conducted or operated by the city, to other municipal corporations, and to consumers and users outside of the city limits; *provided*, that the supplying or distribution of water, light or power, for use outside of the city, as aforesaid, shall, in every case, be subject to the paramount right of the city at any time to discontinue the same, in whole or in part, and to take and hold, or to distribute such water, light and power, or either thereof, for the use of the city and its inhabitants.

Charter Amendment Number Two.

That subdivision (30) of section 2, article I of the charter be amended to read as follows:

(30) To fix the rates to be charged and collected by any person, firm or corporation for water, gas, heat, light, power, refrigeration, storage, telephones, telephone service, or telephone connections, or the conveyance of passengers or freight by means of ferries, street or interurban railway cars, hacks, cabs, or other cars or vehicles for hire, or for the products of or service by any other public utility operated or conducted within the city limits; and to regulate and prescribe the extent, character and quality of any public utility service and the method of and charges for making connections with the property of patrons and consumers; to regulate the construction and operation of works or plants for the production, transmission or distribution of such service, and the works or plants of any other public utility; to prescribe, regulate and control the systems of account of any such public utility; to require the construction, operation and maintenance of extensions necessary for the accommodation of the public and the development of the city, or to acquire or construct such extensions, or cause the same to be constructed; and require the owner or operator of any such utility to operate or use such extensions, and to have and exercise all powers necessary or convenient for the complete supervision, control and regulation of all public utilities and public utility service in the city, including all powers of control and regulation respecting the same vested in the city at the time of the approval hereof by the legislature, or thereafter.

Fix rates for public service.

That subdivision (40) of section 2, article I of the charter be amended to read as follows:

(40) To grant franchises, permits, or privileges for the construction and operation of plants necessary or convenient for furnishing the city and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage, or any other public service; to prescribe the terms and conditions of any such grant, and to prescribe by ordinance, approved by a vote of the people, the method of procedure for making such grants; subject, however, to the limitations elsewhere contained in this charter. No such grant, unless otherwise provided in this charter shall be made for a period exceeding twenty-one years. No grant for an extension of an existing utility shall be made for a period beyond the expiration of the franchise under which such utility or the portion of the utility with which such extension is to be connected, is held or operated, nor in any case for a period longer than twenty-one years. The city may by ordinance, upon the expiration of any franchise for a fixed or limited term, grant a renewal thereof for a period not to exceed three years in any one renewal, which renewal shall be terminable upon one year's written notice by the city. Such renewal shall not obligate the city in any manner over

Franchises for public utilities.

and above the obligations assumed by the city in the original franchise. Any such renewal may be succeeded by a similar renewal, but the sum total of such renewals on any given franchise shall not exceed twenty-one years.

Right to purchase reserved to city.

Except as otherwise in this charter provided, every franchise, permit or privilege for the construction, extension or operation of a public utility shall reserve to the city the right to purchase the property of such utility, or find a purchaser therefor, after a period not exceeding five years from the date of the grant, upon one year's written notice, either at an agreed price or at a price to be determined in a manner prescribed in the grant. In fixing in any franchise the price to be paid by the city for any utility no allowance shall be made for franchise value, good will, going concern, earning power, increased cost of reproduction or increased value of right of way. All such grants, including grants of extensions, shall be by ordinance subject to the referendary provisions of this charter.

That subdivision (43) of section 2, article I of the charter be amended to read as follows:

Franchise for elevated roads or subway.

(43) To grant franchises to cross public streets or ways for street, interurban or other railroads operated on or suspended from elevated structures or through subways on private rights of way for a period not to exceed forty years subject to the right of the city to purchase all or any part of the property of such utility, whether inside or outside the city limits, or both, or find a purchaser therefor, at the end of the period of such grant, upon the terms and conditions specified in the franchise; but in no such case shall any payment be made on account of franchise value, good will, going concern, earning power, increased cost of reproduction or increased value of right of way. If the city shall fail to exercise its option of purchasing the property of such utility at the end of the period of such grant, then the franchise, if it shall contain a provision for purchase by the city, shall be renewed for a period not to exceed ten years. Such renewals shall be subject to the right of the city to purchase the property of the utility at any time upon two years' notice, upon the same terms provided in the original franchise. No franchise for an elevated structure or subway shall be granted in or along any street or way in a longitudinal direction, either above or below the surface thereof, and every right so granted to cross any public street or way shall be subject to the right of the city to regulate the crossings of subways or elevated roads; and every ordinance making such a grant shall reserve to the city, for municipal subways or municipal elevated roads, its choice of levels, or grades, such choice to be made therein and such ordinance shall require that privately owned subways or elevated roads be so constructed as not to interfere with the levels for municipal subways or municipal elevated roads so chosen and reserved, or with the operation of municipal lines upon such levels.

Any franchise for a subway to cross either Hill, Broadway, Spring or Main streets, shall reserve, at the crossing points on said streets, to the city, the upper subway level for municipal subways and other municipal purposes, and shall grant only the second or lower subway level at such crossing points.

No franchise for a subway shall require the city, in the event of its purchasing such subway, to take surface property or pay for surface values.

Charter Amendment Number Three.

That subdivision (33) of section 2, article I of the charter be amended to read as follows:

(33) To provide the places at which elections shall be held, to appoint the officers of election, to provide regulations for the purity of elections, including limitations upon the amounts of money that may be expended in connection with elections, and the purposes for which money may be so expended. Elections regulated.

That subdivision (21) of section 2, article I of the charter be amended to read as follows:

(21) To license and regulate, under general and uniform laws, any lawful business or calling; to fix the amount of license tax thereon, and to prescribe the manner of enforcing the same; *provided*, that no discrimination in the amount of license tax shall be made between persons engaged in the same business, otherwise than by proportioning the tax to the amount of business done. To license, regulate, restrain, suppress, or prohibit any or all laundries, livery and sale stables, cattle and horse corrals, slaughterhouses, butcher shops, brickyards, dance halls or academies, public billiard or pool halls or tables, bowling and tennis alleys, boxing contests, sparring or other exhibitions, shows, circuses, games and amusements. To license, regulate or prohibit the construction and use of billboards, signs and fences. Licenses for business, etc.

That subdivision (42) of section 2, article I of the charter be amended to read as follows:

(42) The bed of the Los Angeles river, as now or hereafter defined and located, shall not, nor shall any part thereof, ever be sold, granted, leased, transferred or alienated in any way; but the whole thereof shall be kept at all times for municipal purposes, and no franchise or right to use the same, or any part thereof, shall ever be granted, sold, leased or given away; *provided*, that this section shall not prevent the granting, by ordinance, of franchises or rights to cross said river bed, or to take sand or gravel therefrom, or to prevent the transportation by the city over any municipal railroad constructed by said city upon, across or along said bed of the Los Angeles river, of the motors, engines, cars or trains of any private person, firm or corporation operating any other line or system of railroad, or to prevent the city from permitting any such person, firm or corporation to run or operate motors, engines, cars or trains over such municipal railroad, the movement or handling Bed of Los Angeles river not to be sold, etc.

of which motors, engines, cars or trains shall be subject at all times to the control of the city, under such terms and conditions, and under such rules and regulations as may be prescribed by ordinance; such transportation by the city over a municipal railroad, of the motors, engines, cars or trains of any private person, firm or corporation, and permits to any such person, firm or corporation to run or operate motors, engines, cars or trains over such municipal railroad to be provided for only under a general ordinance authorizing such transportation and permit and allowing equal rights therein and thereto, without discrimination, to all such persons, firms and corporations applying for the same in a manner to be prescribed in such ordinance.

That a new subdivision be added to section 2, article I of the charter, to be known as subdivision (48), and to read as follows:

Acquisition
of private
property.

(48) To acquire private property by excess condemnation when the same shall be permitted by the constitution or laws of the state.

That a new subdivision be added to section 2, article I of the charter, to be known as subdivision (49), and to read as follows:

Passage-
ways under
or over
alleys.

(49) To permit and control the construction and maintenance of passageways or structures under or over public alleys for the purpose of connecting buildings located on abutting property.

Charter Amendment Number Four.

That a new subdivision be added to section 2, article I of the charter, to be known as subdivision (50), and to read as follows:

Los
Angeles
granted all
municipal
powers.

(50) The city of Los Angeles shall have and it is hereby given and it hereby reserves unto itself, and the people of the city hereby reserve unto it, and the people of the State of California hereby grant unto it, and said city may hereafter exercise, each and every of the powers which a municipal corporation might or could exercise under the constitution of the State of California; and said city may hereafter acquire, own, hold, sell, deal in, manage, operate, or control any office, department, business, enterprise, utility, or property which might or could be acquired, owned, held, sold, dealt in, managed, operated or controlled by any person, firm or corporation whatsoever; *provided*, that under the authorization of this subdivision the city of Los Angeles shall not engage in any purely commercial or industrial enterprise not now engaged in by the city, except on the approval of a majority of the electors voting thereon at an election. By the insertion in this charter of the sentence next preceding the present sentence, the city of Los Angeles and the people thereof intend, and the people of the State of California, acting by and through the legislature thereof in ratifying this charter, intend that the said sentence shall be, and is hereby declared to be, an express grant of the powers referred to therein, without a more specific enumeration or designation.

Charter Amendment Number Five.

That a new section be added to article II of the charter, to be known as section 11a, and to read as follows:

SEC. 11a. The council shall have power, by ordinance, to issue instructions to any appointive administrative board, commission or officer of the city, except to the board of civil service commissioners; *provided*, that such instructions shall relate to and not be inconsistent with the duties, as prescribed by the charter or otherwise by law, of the board, commission or officer so instructed and shall not be in conflict with or restraint of any instructions or delegation of authority made to any such board, commission or officer by any ordinance approved by a majority vote of the electors of the city heretofore or hereafter voting thereon at an election. The failure of any board, commission or officer to obey any instruction issued by the council under the provisions of this section shall, in addition to any other cause provided by law, constitute cause for the removal from office of any official so failing to obey such instruction.

Council may issue instructions.

Immediately after the first Monday in July, 1913, all the functions of the government of the city shall, by ordinance, be divided or grouped into nine divisions, and each member of the council shall, as provided in such ordinance, be the council committeeman for one of such divisions. It shall be the duty of each such committeeman to be fully informed of the business of the city included within the division to which he is assigned, and to report to the council such information or recommendations concerning the business of such division as shall be necessary to enable the council properly to legislate for such division. Each council committeeman shall, as such committeeman, have no administrative control over the various functions of the city government embraced within the division to which he is assigned, but shall perform the duties of investigation for and recommendation to the council in its work of legislation, and the administration of all the branches of the city government embraced within the said nine subdivisions shall continue to be vested in the officials duly elected or appointed in accordance with the provisions of this charter.

City government in nine divisions.

Charter Amendment Number Six.

That section 65, article VI of the charter be amended to read as follows:

SEC. 65. The officers of the city shall receive, in full compensation for all services of every kind whatever rendered by them, the following salaries, payable in monthly installments at the end of each calendar month:

Salaries.

The mayor shall receive \$4500 per annum.

Each councilman shall receive \$2400 per annum.

The city attorney shall receive \$4000 per annum.

The city auditor shall receive \$3000 per annum.

The city assessor shall receive \$3000 per annum.

All appointive officers of the city shall receive such salaries as may now be in force or as may hereafter be prescribed by

ordinance, or otherwise in accordance with the provisions of this charter.

That section 13 of article III of the charter be amended to read as follows:

Council,
governing
body.

SEC. 13. The said council, consisting of nine councilmen, elected as herein provided, is the governing body of the city, and shall meet daily, Sundays and holidays excepted, and shall by ordinance provide for the manner, time and place of holding all regular and special meetings.

Charter Amendment Number Seven.

That section 5 of article II of the charter be amended to read as follows:

Term of
office,
elective
officers.

SEC. 5. All elective officers shall hold their offices for a term of two years, commencing on the first Monday in July next succeeding their election, at twelve o'clock noon; *provided, however,* that the term of office of the present elective officers of the city shall expire on the first Monday in July, 1913.

That section 195, article XIX of the charter be amended to read as follows:

General
municipal
elections.

SEC. 195. General municipal elections shall be held in said city on the first Tuesday in June of every odd-numbered year, commencing with the year 1913. At the general municipal election in 1913 all the elective officers of said city provided for by this charter shall be elected.

That section 206b of article XIX of the charter be amended to read as follows:

Primary
nominating
election.

SEC. 206b. A primary nominating election shall be held on the first Tuesday in May, 1913, and on the first Tuesday in May of every second year thereafter, at which shall be nominated the candidates for the elective offices to be voted for at the general municipal election to be held on the first Tuesday in June next ensuing. The officers of election who shall be appointed for the primary nominating election shall be the officers of such general election, and such general election shall be held at the same places, as far as possible, and the polls shall be opened and closed at the same hours, as may be provided for the primary nominating election. All ballots, blanks and other supplies to be used at any primary nominating election, and all expenses necessarily incurred in the preparation for or the conducting of such primary nominating election shall be paid out of the treasury of the city in the same manner, with like effect, and by the same officers, as in the case of other elections.

That section 196 of article XIX of the charter be amended to read as follows:

Time of
taking
office.

SEC. 196. The officers elected at a general municipal election shall after they have qualified as provided in this charter enter upon the discharge of the duties of the offices to which they have been elected, on the first Monday in July next succeeding their election, at twelve o'clock noon and shall, except as otherwise provided for in this charter, serve for two years,

and until their successors have been elected and qualified; *provided*, that any person elected to fill a vacancy shall, after qualifying as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected, and shall serve for the remainder of the term and until his successor shall have been elected and qualified.

That section 18, article III of the charter be amended to read as follows:

SEC. 18. No member of the council shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the city is party. No city official shall vote on or participate in any contract or transaction in which he is directly or indirectly financially interested. No city official shall be financially interested, directly or indirectly, in any contract, sale, or transaction to which the city is a party and which comes before said official, or the department of the government with which he is connected, for official action. If any officer of the city shall, during the term for which he was elected or appointed, so vote or participate, he shall, upon conviction thereof, forfeit his office and be punished for misdemeanor. Any contract or transaction hereinabove mentioned in which any officer of the city shall be or become financially interested shall become void at the election of the city, to be declared by resolution of the council.

city officials not to be financially interested in city transactions.

That paragraph (a) of section 198w of article XIX of the charter be amended to read as follows:

(a) The petition for the removal of the incumbent of an appointive office shall be signed by qualified electors equal in number to at least twenty per centum of the entire vote cast for the office of mayor at the last preceding general municipal election at which a mayor was elected and shall contain a demand for the submission to the electors of the city of the question whether the incumbent of such appointive office shall be removed by vote of such electors.

Removal from office.

Charter Amendment Number Nine.

That section 169 of article XVI of the charter be amended to read as follows:

SEC. 169. The members of the board of harbor commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. No person shall be appointed a harbor commissioner who is not a qualified elector of the city of Los Angeles. The council may, by ordinance, provide for, and fix the amount of, salaries for the members of said board or any thereof.

Harbor commissioners.

That section 176 of the charter is hereby amended to read as follows:

SEC. 176. There is hereby established a district in the city of Los Angeles to be known as the harbor district, which shall comprise, among other lands, the tidelands and submerged lands within the limits of said city, which said lands were granted to the city of Los Angeles in trust for public uses by an act of the legislature of the State of California, approved

Harbor district.

May 1, 1911. Until otherwise provided by ordinance said district shall consist of that portion of the said city included within the following described boundaries:

Bound-
aries.

Beginning at the intersection of the westerly boundary line of the city of Los Angeles with the line of ordinary high tide of the Pacific ocean; thence easterly and northerly following the said line of high tide to its intersection with the northerly line of the United States reservation; thence northwesterly in a direct line to the intersection of the northerly line of Twenty-second street, in that portion of the city of Los Angeles comprised within the limits of the former city of San Pedro, and the westerly line of Crescent avenue; thence northerly and northeasterly along the westerly and northwesterly line of Crescent avenue and its prolongation to the easterly line of Beacon street; thence northerly along the easterly line of Beacon street to the northerly line of Wall street; thence easterly along the northerly line of Wall street to the westerly line of Front street; thence northerly along the westerly line of Front street to the southerly line of Fourth street; thence north-easterly in a direct line to the intersection of the northerly line of Fourth street with the westerly line of that certain highway known as the Harbor boulevard; thence northerly and northwesterly along the westerly line of said Harbor boulevard to its intersection with the southwesterly line of Bay street; thence northwesterly along the said southwesterly line of Bay street and its prolongation to the westerly line of Palos Verdes street; thence northerly along the westerly line of Palos Verdes street and its prolongation to its intersection with the southerly line of that certain highway known as the Wilmington and San Pedro road; thence northwesterly, westerly, southwesterly, northwesterly, northeasterly, northwesterly and northeasterly along the southwesterly, southerly, southeasterly, southwesterly, northwesterly, southwesterly and northwesterly line of said Wilmington and San Pedro road to its intersection with the westerly prolongation of the center line of West First street in that portion of the city of Los Angeles comprised within the limits of the former city of Wilmington; thence easterly along the center line of West First street to the center line of "E" street; thence southerly along the center line of "E" street to the center line of Front street; thence easterly along the center line of Front street and its easterly prolongation to the center line of East street; thence northerly along the center line of East street to the center line of East First street; thence easterly along the center line of East First street to the center line of Banning street; thence northerly along the center line of Banning street to the center line of East Second street; thence easterly along the center line of East Second street to the center line of Downey street; thence northerly along the center line of Downey street to the center line of East Third street; thence easterly along the center line of East Third street to the center line of Dominguez street; thence northerly along the center line of Dominguez street to

the center line of East Fourth street; thence easterly along the center line of East Fourth street to the center line of Sanford street; thence northerly along the center line of Sanford street to the center line of East Fifth street; thence easterly along the center line of East Fifth street to the center line of Carson street; thence northerly along the center line of Carson street to the center line of East Sixth street; thence easterly along the center line of East Sixth street to the center line of Watson street; thence northerly along the center line of Watson street to the center line of East Seventh street; thence easterly along the center line of East Seventh street to the westerly line of the right of way of the Southern Pacific Railroad Company; thence northeasterly along the westerly line of said right of way to its intersection with the northerly boundary line of that part of the city of Los Angeles comprised within the limits of the former city of Wilmington; thence easterly, southeasterly, southwesterly, southeasterly, southwesterly, southerly, westerly and northerly along the boundary line of the city of Los Angeles to the point of beginning.

Boundaries.

The council may, from time to time, by ordinance, alter the boundaries of said harbor district: *provided, however,* that no such alteration shall be made so as to exclude from such district any tidelands or any submerged lands, whether filled or unfilled, any navigable waters included within the aforesaid boundaries, or any portion of said harbor district situated below the line of ordinary high tide.

Alteration of boundaries.

The said tidelands and submerged lands within said harbor district, whether filled or unfilled, are hereby declared to be required and withheld for public use for navigation, commerce and fishery, or purposes in connection therewith, and shall, except as hereinafter provided, continue to be withheld for such purposes.

The board of harbor commissioners shall have charge of the enforcement of all ordinances relating to the construction, alteration, repair, demolition or removal of seawalls, embankments, bulkheads, wharves, piers, docks, quays, slips, landings, elevators, cranes, derricks, marine ways, warehouses and other structures and appliances within said harbor district for the accommodation of commerce and navigation, and relative to any work of filling, excavating or dredging in said district.

Powers of harbor commissioners.

The board of harbor commissioners shall have possession and control, under such ordinances as may from time to time be adopted by the council, of the entire water front of the city, and of Los Angeles harbor and other navigable waters within the limits of said city, and authority to use, for the loading and landing of merchandise, with a right to collect dockage, wharfage and tolls thereon, such portions of the streets and other public places terminating in or fronting upon the navigable waters within the city of Los Angeles as may be used for such purposes without obstructing the same as thoroughfares.

For the purposes of this section and of this article, the board of harbor commissioners shall have such further powers and

perform such other duties as may be granted or imposed by ordinance.

That section 183 of article XVI of the charter be amended to read as follows:

Unlawful
to sell,
etc.,
water
front.

Incorp-
tions.

SEC. 183. (a) It shall be unlawful to grant, sell, convey, alienate, transfer or otherwise dispose of, except as hereinafter provided, any part of, or any interest in, the water front, tide-lands, submerged lands, or appurtenances thereunto belonging, owned, possessed, controlled or held by the city of Los Angeles; *provided*, that grants of such lands may be made to the State of California or to the United States for public purposes, when authorized by a majority of the qualified voters of the city, voting upon the question of authorizing any such grant at an election; *and provided, further*, that whenever the city of Los Angeles shall have acquired the ownership, title, control and possession of more than ten thousand feet, linear measurement, of water frontage, of Los Angeles harbor, measured along the harbor lines, as now or hereafter established by the United States or the city of Los Angeles, and of the coterminous and adjacent tide and submerged lands upon the water front, as fixed by such harbor lines upon the navigable waters of Los Angeles harbor, but not including water frontage upon any island, or breakwater, nor any water frontage created by the construction of channels by any person, firm or corporation other than the United States, the board of harbor commissioners may grant to any persons, firms or corporations franchises, permits, and warehouse or other privileges to use the water frontage in excess of said ten thousand feet, for purposes in aid of navigation, commerce and fishery, together with the adjacent and coterminous tide or submerged lands necessary for such purposes, for periods not exceeding thirty years; *and provided, further*, that whenever it shall be determined by the city of Los Angeles, by ordinance, or by other proper legal authority, that any part of the tide or submerged lands of Los Angeles harbor may not be required for public use, by reason of their remoteness from the harbor lines, as now or hereafter established, or otherwise, the board of harbor commissioners may grant leases of such tide or submerged lands in excess of the tide and submerged lands adjacent and coterminous to the aforesaid ten thousand feet, for periods not exceeding thirty years and for purposes consistent with the trusts upon which said lands are held by the city of Los Angeles and with the requirements of commerce, navigation or fishery at said harbor. Such franchises, leases, privileges and permits shall be granted subject to such terms and conditions as may be prescribed therein, and to the limitations, conditions, restrictions and reservations in this section contained, but no such franchise, lease, privilege or permit shall be valid or binding upon the city until the same is approved by the council by ordinance.

(b) The board of harbor commissioners shall not grant to any one person, firm or corporation franchises, leases, privi-

leges, permits or licenses to use any such water frontage whatever in excess of three thousand feet, linear measurement, measured along the United States harbor lines, as they are now or may be hereafter established in Los Angeles harbor or other navigable waters within the city of Los Angeles; *provided, however,* that more than three thousand feet of such water frontage, but not exceeding five thousand feet thereof, may be so granted whenever authorized by ordinance adopted or approved by a majority of the qualified electors of the city voting upon the question of the adoption or approval of such ordinance at an election.

Grants
for use of
water
frontage
limited.

(c) Of the water frontage of Los Angeles harbor, ten thousand feet thereof, linear measurement, along the United States harbor lines, measured as aforesaid, together with such coterminous and adjacent tide and submerged lands fronting thereon, as may be determined by ordinance, owned or held by the city of Los Angeles, is hereby forever reserved for public purposes by said city, for uses to be improved, constructed, owned, controlled, maintained and operated by said city. The city shall not grant, and shall not have granted at any time, to all persons, firms or corporations to whom such grants may be made, any such franchises, leases, privileges or permits exceeding in the aggregate one half of the total water frontage owned or held by the city at such time, exclusive of the aforesaid ten thousand feet of such frontage, to wit, one half of the water frontage in that portion of Los Angeles harbor northerly of an east and west line passing through a point in the center of the Turning Basin easterly of Smith's island, also known as Boschke island, and one half of the water frontage in that portion of Los Angeles harbor southerly of said line; and said one half of the total water frontage so owned or held by the city of Los Angeles, located as aforesaid in the portions of Los Angeles harbor above described, and in addition to said ten thousand feet of water frontage so reserved, as aforesaid, is also hereby reserved for public purposes by said city, for uses to be improved, constructed, owned, controlled, maintained, and operated by said city; *provided, however,* that the city may make such grants of, in or upon such water frontage owned by the city in excess of one half thereof, linear measurement, but not exceeding three fourths thereof, exclusive of said ten thousand feet of such frontage, whenever authorized by ordinance adopted or approved by a majority of the qualified electors of the city voting upon the question of the adoption or approval of such ordinance at an election.

Preserva-
tion for
public
purposes.

(d) In any case where a franchise, lease, privilege or permit pertaining to such water frontage or such tide or submerged lands is granted, the same shall be so granted, for a rental or payment to the city to be prescribed therein as hereinafter provided. In case of any such grant, the same shall be made only upon the condition, whether expressed therein or not, that the construction of the wharves, docks, warehouses or other works or structures provided for therein shall, if the same be not

Rental for
franchises,
etc.

already constructed, be commenced within ninety days from the date of such grant, and be prosecuted diligently to completion under such further terms and conditions as may be prescribed therein.

Grant to provide specified payments.

(e) Every such grant shall provide for the payment to the city as compensation therefor of either, any or all of the following: (a) a specified rental; or (b), a percentage of the gross receipts derived from or arising out of the use, operation or possession thereof, or of the lands included therein and improvements, if any, made thereunder; or (c), a percentage of the valuation of such lands and improvements, such payment to be made in such manner, at such times and upon such basis or scale, either fixed or variable, as shall be prescribed therein; *provided, however*, that nothing herein contained shall be construed to prevent the city from making such grants to the highest regular responsible bidder after receiving competitive bids therefor.

Violation of provisions terminates grants.

(f) Every such grant shall provide that in case the same, or any improvements made thereunder, or any part thereof, shall be assigned, transferred or subleased, or the control thereof be given or granted to any person, firm or corporation, so that such person, firm or corporation shall then own, hold or control under any such franchises, leases, privileges or permits more than the length of water frontage permitted or authorized under this section, then such grant, and all rights thereunder, shall thereupon and thereby be absolutely terminated: nor shall any such assignment, transfer, sublease, gift or grant of control be valid for any purpose unless first approved by the board of harbor commissioners.

Grants subject to rights of way.

(g) Every such grant shall be subject to such rights of way over tide or submerged lands embraced therein for such public sewers, pipe lines, conduits, or for such public telephone, telegraph, light, heat, or power lines, as may from time to time be determined by the council: and the same shall also be subject to such rights of way for public streets and other highways, and for such public street or public railroads, or other public means of transportation as shall have been duly established, or as shall be reserved in such grant. No such grant shall ever be made that shall provide for any use of the property or for the construction or placing of any structure, building or other improvement thereon that shall interfere with any plan approved or adopted by the city for harbor improvements or for the development of facilities for commerce or navigation in Los Angeles harbor, or for providing railroad or other terminal facilities at said harbor.

Readjustment every ten years.

(h) Every such grant shall provide for a readjustment of rental or compensation every ten years during the term thereby created. The procedure for such readjustment shall be specified in such grant, but in no case shall such readjustment decrease the amount of rental or compensation. At the expiration of any such grant the board of harbor commissioners may, upon such terms as it deems advisable, extend the term thereof

for a period not to exceed ten years; *provided*, that in making any such extension, no reduction in the rate or amount of rental or compensation fixed for or in effect as to such grant for and during any period next preceding such extension shall be allowed; and *provided, further*, that no such extension shall be effective until approved by the council by ordinance.

(i) Every such grant shall prescribe that upon the expiration thereof, all wharves, piers, docks, slips, bulkheads, sea walls, and channels constructed or maintained thereunder shall be and become the property of the city of Los Angeles without compensation therefor to the grantee or holder thereof, and as to the other permanent structures or improvements constructed or maintained thereunder, shall prescribe whether the same shall become the property of said city without compensation or upon compensation to be paid to such grantee or holder, or shall be removed by such grantee or holder at his own expense.

Improvements become property of city on expiration of grant.

(j) Upon the forfeiture of any such grant, any and all buildings, structures and improvements of whatsoever character erected, installed or made under, through or because of or pursuant to the terms thereof shall immediately *ipso facto* become the property of the city, and every such grant shall so provide.

On forfeiture of grant.

The method of procedure for making such grants shall be prescribed by ordinance.

(k) In any case where the city, or its predecessors in interest or authority, shall have granted or issued any lease, franchise or permit or any document purporting to be such, to any person, firm or corporation, the water front tidelands and submerged lands covered thereby shall not be subject to grants under this section, until such lease, franchise or permit shall have been terminated, and until the city shall have regained peaceable possession of such property.

Lands already leased not subject to this section.

(l) Nothing contained in this section shall be construed to prevent the board of harbor commissioners from granting revocable licenses or permits to use limited portions of the water front, or tide or submerged lands for purposes consistent with commerce, navigation and fishery in Los Angeles harbor, upon such terms and conditions as may be prescribed therein, and in such manner as may be prescribed by ordinance, and no lease, franchise, privilege, permit, or any such revocable license or permit, shall ever be granted, made or issued for any purpose inconsistent with the trusts upon which the water frontage, tidelands and submerged lands mentioned in this section are held by the city of Los Angeles, or inconsistent with the requirements of commerce, navigation and fishery at Los Angeles harbor. The board of harbor commissioners shall make such rules and regulations as may be necessary to carry out the provisions of this section. Such rules and regulations shall be approved by the council by ordinance.

Revocable licenses may be granted.

(m) That the certain tract in the outer harbor designated as Los Angeles municipal dock number one, and formerly known as the Huntington concession, and all wharves and other improvements thereon or pertaining thereto now or hereafter

Los Angeles municipal dock not to be sold, etc.

constructed, shall never be sold, conveyed, alienated, leased or otherwise disposed of in whole or in part, in any manner to any private person, firm or corporation whatsoever, nor shall any lease, franchise, privilege or permit ever be granted to any private person, firm or corporation of, in or to said tract, wharves or other improvements, or any part thereof; but said tract, wharves, and other improvements, and the whole thereof, shall be forever reserved by the city of Los Angeles for public improvements and municipal uses, to be made, constructed, operated and maintained by the city of Los Angeles; *provided*, that the board of harbor commissioners may, under such terms and conditions as may be prescribed by ordinance, grant permits, licenses or concessions to conduct any such occupation or business on said tract as may conduce to the comfort and convenience of the public; *and provided, further*, that said board may designate and assign berths or landings for the use of vessels at any wharves on said tract, as well as on other lands and water frontages reserved by the city for public purposes, but any such use may be terminated at any time on such previous notice as may be prescribed by ordinance, and said board may, whenever any railroad tracks are located, or constructed by the city, upon said tract, or upon such other lands or water frontages, contract for or permit the operation of cars thereon under such terms and conditions as may be prescribed by ordinance.

That section 261 of article XXV of the charter be amended to read as follows:

May
construct
highways,
etc., to
navigable
waters.

SEC. 261. The city of Los Angeles shall have power to provide for opening, improving, constructing or maintaining streets, highways or other means of public transportation to navigable waters within the said city, and acquiring the necessary land therefor by purchase or condemnation, and for constructing and maintaining canals and waterways between such navigable waters and any such streets, highways or means of transportation, and acquiring the necessary land therefor, by purchase or condemnation, and for acquiring or constructing docks, wharves, warehouses, railroads and railroad terminals at the harbor, to be owned and operated by, or on behalf of the city, and acquiring the necessary land therefor by purchase or condemnation, and may incur indebtedness, and issue bonds therefor.

That section 262 of article XXV of the charter be and the same is hereby repealed.

Charter Amendment Number Ten.

That section 61, of article V of the charter be amended to read as follows:

Bonds
of city
officers.

SEC. 61. The following named officers of said city shall respectively execute to said municipal corporation, bonds in the following sums, respectively, conditioned for the faithful discharge by them of the duties of their respective offices, to wit:

The bond of the city auditor is fixed at \$10,000.

The bond of the city tax and license collector is fixed at \$100,000.

The bond of the city assessor is fixed at \$10,000.

The bond of the city treasurer is fixed at \$150,000.

The bond of the city engineer is fixed at \$10,000.

The bond of the city attorney is fixed at \$5000.

The bond of the chief of police is fixed at \$5000.

The bond of the health commissioner is fixed at \$2000.

The bond of the city clerk is fixed at \$5000.

The bond of the city sealer of weights and measures is fixed at \$5000.

The premium on any official bond furnished under the provisions of this section and executed by a corporate surety shall be paid by the city.

That section 62 of article V of the charter be amended to read as follows:

SEC. 62. Each such official bond shall be executed by a Sureties. corporation authorized by law to become a surety upon bonds or undertakings, or by two or more personal sureties, who shall each be a resident of the city or county of Los Angeles, and the owner of real estate therein valued, over and above all incumbrances, upon the last city or county assessment roll, at not less than the aggregate amount for which he becomes responsible upon such official bonds. Each personal surety shall be approved as hereinafter set forth, and shall bind himself in a sum not less than \$1000.

The aggregate amount of the sums which the sureties on any of such bonds shall respectively bind themselves to pay, shall be at least double the sum in which the principal on such bond binds himself.

No such surety shall be held liable on such bond for a larger sum of money than that which he specifically binds himself to pay, together with such costs of action as may be allowed by the court on the recovery of judgment against him on such bonds.

Section 963 of the Political Code shall apply to the official bonds given under the requirements of this charter.

Each personal surety on any bond given under the provisions of this charter shall justify in double the amount for which he binds himself on such bond.

Surety shall justify in double amount of bond.

The bonds of all officers, after approval by the city attorney, as to form, shall be approved by the mayor and the council, and, after such approval, shall be filed with and remain in the keeping of the city auditor, provided that the bond of the city auditor shall be filed with and remain in the keeping of the city clerk.

Charter Amendment Number Eleven.

That section 207e of article XX be amended to read as follows:

SEC. 207e. Any real property owned by the city of Los Angeles may, subject to the limitations and exceptions else-

City
property
may be
sold.

where prescribed in this charter, be sold either in whole, or in part, in accordance with the provisions of this section. Whenever the public interest or convenience may require the council is hereby authorized to order the sale, and to sell any such real property, either at public auction, or to the highest bidder for cash, or on terms after advertising for bids; *provided, however*, that the council shall prescribe the minimum price for which the same will be sold and that at least one third of the selling price shall be payable in cash, and if the price offered at such auction, or the amount bid by the highest bidder at such sale, shall be less than such minimum price, such property shall not be sold. Before ordering the sale of any such real property the council shall, by a two-thirds vote of all of its members, pass an ordinance declaring its intention to sell the same, describing the property proposed to be sold in such manner as to identify the same, specifying the minimum price and terms for which it will be sold, and stating whether such sale shall be at public auction or to the highest responsible bidder after advertising for bids. Such ordinance shall be subject to the provisions of this charter providing for a referendary vote. Unless a petition demanding the submission of such ordinance to a vote of the qualified electors of the city be filed with the city clerk within thirty days after the publication thereof, the council may, in its discretion, after the expiration of such thirty days, cause notice of the sale of the property described in such ordinance to be published for ten days in one or more daily newspapers printed and published in said city. In the case of any sale of any real property after advertisement for bids all such bids shall be sealed and filed in the office of the city clerk on or before a time to be specified in the notice of the sale. The city clerk shall present all bids received by him to the council at its next regular meeting after the expiration of the time for the submission of bids. The council shall thereupon, in public session, open, examine and declare all bids received. At the time of opening the bids, any responsible person may bid for such property a sum exceeding the highest bid by not less than five per centum, and such bid so made may be raised by any other person or persons until the property shall either be sold or withdrawn from sale. No bid shall be considered unless accompanied by a cash deposit or check certified by a responsible bank in the city of Los Angeles in an amount not less than ten per centum of the amount of such bid. The council may in its discretion in all cases where property is offered for sale reject any or all bids, or withdraw such property from sale at any time, should it deem such action to be for the public interest. Any real property proposed to be sold that is under the control of any board or commission authorized by this charter, or by law, to acquire, hold or control real property shall not be sold except with the approval of a majority of such board or commission, and the proceeds of any such sale shall be paid into the city treasury and placed in the fund of the department having control of such property.

Charter Amendment Number Twelve.

That subdivision 44 of section 2, article I, be amended as follows:

(44) To create and maintain, and provide for the disbursement of a firemen's relief, health, life insurance and pension fund, to be used for the payment of pensions to members of the fire department of the city who shall be retired from such department; for the payment of pensions to members of such department who shall become physically disabled by reason of bodily injuries received in, or by reason of sickness caused by, the discharge of their duties, and for the payment of pensions to the widows and children of members of such fire department who shall have died from bodily injuries received or sickness or disease contracted in the performance or discharge of their duties. Said fund shall be created, maintained and disbursed in such manner as may be prescribed by ordinance. Firemen's pension fund.

Commencing with the fiscal year of 1913 the city council shall appropriate, create and set apart for this purpose a fund to be called the "firemen's pension fund" out of the revenue and taxes of the city, and such fund shall amount to not less than two and one half per cent of the total annual pay roll of the members of the fire department, and shall immediately prescribe by ordinance for the disbursement of said fund; *provided*, that no part of said fund shall be created, maintained, provided or collected from the salaries or wages of any member or members of the fire department.

The disbursement of said "firemen's pension fund" as provided for by ordinance, shall be left to the exclusive control, discretion and judgment of a commission of three persons to be called the "firemen's pension commission," the said commission to consist of the chief engineer of the fire department, the health commission and the president of the council. Said commission shall make semiannual reports to the city council of all moneys received and disbursed by them. Firemen's pension commission.

Charter Amendment Number Thirteen.

That subdivision 45 of section 2 of article I be amended to read as follows:

(45) To create and maintain, and provide for the disbursement of a policemen's relief, health, life insurance and pension fund, to be used for the payment of pensions to members of the police department of the city, who shall be retired from such department; for the payment of pensions to members of such department who shall become physically disabled by reason of bodily injuries received in, or by reason of sickness caused by, the discharge of their duties, and for the payment of pensions to the widows and children of members of such police department who shall have died from bodily injuries received, or sickness or disease contracted in the performance or discharge of their duties. Said fund shall be created, maintained Policemen's pension fund.

and disbursed in such manner as may be prescribed by ordinance.

Commencing with the fiscal year of 1913, the city council shall appropriate, create and set apart for this purpose, a fund to be called the "policemen's pension fund" out of the revenues and taxes of the city, and such fund shall amount to not less than two and one half per cent of the total annual pay roll of the members of the police department, and shall immediately prescribe by ordinance for the disbursement of said fund; *provided*, that no part of said fund shall be created, maintained, provided or collected from the salaries or wages of any member or members of the police department.

Policemen's pension commission.

The disbursement of said "policemen's pension fund" as provided for by ordinance, shall be left to the exclusive control, discretion and judgment of a commission of three persons, to be called the "policemen's pension commission," the said commission to consist of the chief of police, the health commissioner and the president of the council. Said commission shall make semiannual reports to the city council of all moneys received and disbursed by them.

Charter Amendment Number Fourteen.

That subdivision 47 of section 2 of article I of the charter be amended to read as follows:

Council not to provide for municipal newspaper.

Subdivision 47. The city council shall not appropriate or provide any public money for the printing, publication, sale or distribution of a municipal newspaper.

That said thirteen proposed amendments were and each of them was published for ten times in a daily newspaper printed and published in said city and of general circulation therein, to wit, the Los Angeles *Daily Journal*, said publication ending on the 3d day of March, 1913.

That thereafter the city council of said city did, by ordinance known as Ordinance No. 26984 (new series), which was duly adopted on the 27th day of February, 1913, order the holding of a special municipal election in said city of Los Angeles on the 24th day of March, 1913, which said last mentioned date was not less than twenty days nor more than forty days after the completion of the publication of said proposed amendments, for ten times in said daily newspaper of general circulation in said city of Los Angeles, to wit, the Los Angeles *Daily Journal*, and did provide in said ordinance for the submission of said thirteen proposed amendments to said charter to the qualified electors of said city for their ratification at said special municipal election, which ordinance was approved by the mayor of said city on the 4th day of March, 1913, and was published for at least five times prior to the time appointed for the holding of said election in the Los Angeles *Daily Journal*, a daily newspaper printed and published in said city.

That at said special election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of said thirteen proposed amendments to said charter.

That the city council of said city of Los Angeles, at a regular meeting thereof held within ten days after said election, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said thirteen proposed amendments to said charter.

In witness whereof, we have hereunto set our hands and affixed the corporate seal of the city of Los Angeles this 25th day of March, 1913.

[SEAL]

GEO. ALEXANDER,
Mayor of the City of Los Angeles.
CHAS. L. WILDE,
City Clerk of the City of Los Angeles.

AND, WHEREAS, The said thirteen proposed amendments so ratified as hereinabove set forth have been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Resolved by the assembly of the State of California, the senate concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), That the said thirteen proposed amendments to the said charter of the city of Los Angeles, hereinabove set forth, as presented and as submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole for and as amendments to the said charter of the city of Los Angeles.

CHAPTER 31.

Senate Concurrent Resolution No. 22, relative to raising funds for the relief of flood sufferers in the east.

[Filed with Secretary of State April 7, 1913.]

WHEREAS, The call for help now coming from our stricken fellow citizens in many states of the east is an appeal that California does not wish to ignore; therefore, be it

Committee
on funds
for flood
sufferers.

Resolved by the senate, the assembly concurring, That a committee of six, three to be appointed by the president of the senate and three by the speaker of the assembly, be selected to confer with the governor, and report to the legislature the best means of raising funds to answer said call and also in what way the State of California can lend its aid.

CHAPTER 32.

Assembly Joint Resolution No. 23, relative to a request for permission of the national government under such terms and conditions as may be necessary to permit an increased number of stock and sheep to graze within the national forest and other federal reservations.

[Filed with Secretary of State April 7, 1913.]

Feed for
stock.

WHEREAS, Owing to the lack of necessary rainfall during the past several months the usual and necessary feed for stock has not been grown within the State of California; and

WHEREAS, There are many thousands of sheep and cattle which are apt to suffer severely by reason of such lack of feed; and

WHEREAS, Many thousands of these animals will perish if some relief be not granted by the department of agriculture granting permission under such terms and conditions as may be by it deemed proper to permit an increased number of stock and sheep to graze within the national forest and other federal reservations; now, therefore, be it

Permission
to graze in
national
forests
requested.

Resolved by the senate and assembly jointly, That we request and urge the senators and congressmen of the State of California to use every honorable effort to have the department of agriculture, or such other department as may have jurisdiction of the subject matter, grant permission to the owners of stock and sheep within the State of California to permit the said stock and sheep to feed and graze within national forest and other federal reservations, under such terms and conditions as said department may deem proper; and

Be it further resolved, That a copy of this resolution be immediately telegraphed to each of our senators and representatives in congress and, likewise, to Honorable B. F. Houston, secretary of agriculture.

CHAPTER 33.

Assembly Concurrent Resolution No. 7, approving charter of the county of San Bernardino, State of California, voted for and ratified by the qualified electors of said county at a general election held therein on November 5th, 1912.

[Filed with Secretary of State April 7, 1913.]

San
Bernardino
County,
charter.

WHEREAS, At a special election duly held in the county of San Bernardino, State of California, on the 14th day of May, 1912, under and in accordance with the provisions of section 7½ of article XI of the constitution of said state, a board of fifteen freeholders, duly qualified, were elected by the qualified electors of said county to prepare and propose a charter for the government of said county.

AND WHEREAS, Said board of freeholders, within one hundred and twenty days after the result of said election was declared by the board of supervisors of said county, did prepare and propose a charter for the government of said county, which charter was signed in duplicate by all the members of said board of freeholders on the 14th day of September, 1912, and thereupon filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder of said county;

AND WHEREAS, Said board of supervisors thereupon caused said proposed charter to be published for at least ten times in a daily newspaper of general circulation, printed, published and circulated in said county, the first of such publications having been made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of said county clerk;

AND WHEREAS, Said proposed charter was, by said board of supervisors, submitted to the qualified electors of said county at a general election that occurred in said county not less than thirty days nor more than sixty days after the completion of such publication, to wit: the general election occurring on the 5th day of November, 1912;

AND WHEREAS, At said general election, a majority of said qualified electors voting thereon voted in favor of said proposed charter, and ratified the same; which said charter, as so proposed, voted upon and ratified, was and is in words and figures as follows:

CHARTER OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

ARTICLE I.

BOARD OF SUPERVISORS.

SECTION 1. The board of supervisors shall consist of five members, one from each supervisorial district. The supervisors shall be nominated and elected at the times and in the manner provided by general laws, except and provided that each supervisor shall be elected by the electors of the county at large. Board of
Supp-
visors.

SEC. 2. At the general election to be held in November, 1914, there shall be elected as hereinbefore provided two supervisors, one from the second and one from the fourth supervisorial district, each of which supervisors shall be so elected for a term beginning on the first Monday after the first day of January, 1915, at noon of that day, and ending on the first Monday in December, 1918, at noon. At the general election to be held in November, 1916, there shall be elected in like manner three supervisors (one from the first, one from the third and one from the fifth supervisorial districts), for a term beginning on the first Monday after the first day of January, 1917, at noon, and ending on the first Monday in December, 1920, at noon. At each general election subsequent to November, 1916, there shall be elected in like manner two or three supervisors, as the case may be, for a term of four years, Election.

beginning at noon on the first Monday in December next after their election, and ending at noon on the first Monday in December four years thereafter.

Powers
and
duties.

SEC. 3. The board of supervisors, and each supervisor, shall have and perform such powers and duties as are or shall be provided by general laws, except as otherwise provided in this charter and not in conflict with the provisions hereof; and shall have and perform such other and further powers and duties as are or shall be provided for in this charter.

Appoint-
ment of
county
officers.

SEC. 4. It shall be the duty of the board of supervisors (except as may be otherwise specially provided herein), at its first regular meeting after noon of the first Monday after the first day of January, 1915, to appoint each and all of the county officers provided for by this charter or by general law for a term beginning with such appointment and ending at noon of the first Monday after the first day of January, 1919; and it shall be the duty of said board, at its first regular meeting after the first Monday in December, 1918, and at its first regular meeting after the first Monday in December of every fourth year thereafter, to appoint each and all of such officers for a term of four years, beginning at noon of the first Monday after the first day of January next, following such month of December.

Assistants,
etc.

SEC. 5. It shall be the duty of the board of supervisors, by ordinance, to fix and regulate the appointment and number of assistants, deputies, clerks, attachés and other persons to be employed, from time to time, in the several offices of the county, and also, by ordinance, to prescribe and regulate the powers, duties, qualifications and compensation of such persons, the times at which and the terms for which they shall be appointed, and the manner of their appointment and removal.

Assistants
nominated
by head
officers.

SEC. 6. It shall be the duty of the board of supervisors by ordinance to provide, that in the appointment of any person as assistant, deputy, clerk or attaché of any officer of the county, it shall be the right of such officer to nominate the person so to be appointed, subject to the approval of the board, and that no person shall be appointed to any such position unless first so nominated; *provided*, that the board shall in no case be obligated to make any appointment, unless satisfactory to the board, and if such officer, after reasonable opportunity so to do, shall fail to nominate for any such appointment a person satisfactory to the board, the board may thereupon make such appointment, according to their own judgment and selection; *provided further*, that if the board shall provide a board of civil service commissioners and shall prescribe civil service rules and regulations governing appointments, as elsewhere authorized by this charter, then all appointments provided for in this article shall be made in accordance with such civil service rules and regulations, in so far as such rules and regulations shall be applicable to such appointments.

Bonds of
assistants.

SEC. 7. It shall be the duty of the board of supervisors, by ordinance, to provide that any person appointed as assistant,

deputy, clerk or attaché of any officer of the county shall, before entering upon the performance of the duties of his position, give bond for the faithful performance of his duties, substantially in like manner and form as in the case of a county officer, in a penal sum to be fixed by the ordinance, and which bond shall be first approved by the board.

SEC. 8. At the first regular meeting of the board of supervisors after noon of the first Monday after the first day of January, 1915, the board shall elect one of its members as chairman of the board, to serve until noon of the first Monday in January, 1917, and at the first regular meeting held after noon of the time last stated, the board shall elect a chairman, to serve until noon of the first regular meeting after noon of the first Monday in December, 1918. At the first regular meeting after noon of the first Monday in the month of December, 1918, and of every second year thereafter, the board shall elect a chairman for a term of two years. Any vacancy in the position of chairman shall be filled by the board by election for the unexpired term.

Election
of
chairman.

SEC. 9. The chairman of the board of supervisors shall be the general executive agent of the board. It shall be his duty, subject to regulation and control by the board, to exercise general supervision over the official conduct of all county officers, and officers of all districts and other subdivisions of the county charged with the assessing, collecting, safe-keeping, management or disbursement of public revenues; also over all county institutions, buildings and property; and to make report to the board from time to time, with such recommendations as he shall deem proper. He shall be ex officio county purchasing agent, and shall perform the duties of that officer as prescribed in this charter. He shall devote his entire time during usual office hours to the duties of his office. He shall keep an office in the room or rooms where the board usually meet, and shall be in attendance at such office during usual office hours, except when elsewhere engaged in the performance of his official duties.

Duties of
chairman.

SEC. 10. The chairman of the board of supervisors, as compensation for his services as supervisor, chairman of the board and county purchasing agent, shall be paid an annual salary of two thousand four hundred dollars, and each of the supervisors other than the chairman shall be paid an annual salary of one thousand two hundred dollars.

Com-
pensation.

SEC. 11. A supervisor may be removed from office in the manner provided by law. Any vacancy in the office of supervisor shall be filled by appointment, in the manner and for the term provided by law; and in the case of the election of a supervisor for an unexpired term, or for a remainder of an unexpired term, such officer shall be nominated by district and elected at large, in like manner as hereinbefore provided for the nomination and election of such officer.

Removal
of super-
visor.

ARTICLE II.

COUNTY OFFICERS OTHER THAN SUPERVISORS.

Other
county
officers.

SECTION 1. The county officers other than supervisors shall be a sheriff, a county clerk, a treasurer, a recorder, a license collector, a tax collector, a public administrator, a coroner, a surveyor, a district attorney, an auditor, an assessor, a superintendent of schools, a horticultural commissioner, and such others as are or shall be provided for by the constitution or by general law or by this charter.

Consolidation.

SEC. 2. The following county officers are hereby consolidated:
(a) The district attorney shall be ex officio public administrator.

(b) The sheriff shall be ex officio coroner.

(c) The treasurer shall be ex officio tax collector and license collector.

(d) The county clerk shall be ex officio recorder.

Appoint-
ment.

SEC. 3. All county officers, other than supervisors, shall be appointed by the board of supervisors, and such appointments shall be made at the times and for the terms specified in this charter under the head of "board of supervisors," except as otherwise specially provided in this charter.

Powers
and
duties.

SEC. 4. Each county officer shall have the powers and perform the duties now or hereafter prescribed by general law as to such officer, except as otherwise provided by this charter; and shall have and perform such other powers and duties as are or shall be prescribed by this charter.

Salaries.

SEC. 5. The annual salary of each of the following county officers shall be as follows:

Sheriff and ex officio coroner.....	\$2400 00
County clerk and ex officio recorder.....	\$2500 00
Treasurer and ex officio tax collector and license collector	\$2400 00
District attorney and ex officio public administrator	\$2700 00
Auditor	\$2400 00
Assessor	\$2400 00
Superintendent of schools.....	\$2400 00
Horticultural commissioner	\$2400 00

The compensation of other county officers and of such fish and game wardens, probation and other officers as are or may be provided for by general law or by this charter shall be fixed by the board of supervisors.

Removal.

SEC. 6. Any county officer other than supervisor may be removed from office in the manner provided by law; also any such officer may be removed by the board of supervisors, for cause, after first serving upon such officer a written statement of the alleged grounds for such removal and giving him a reasonable opportunity to be heard in the way of explanation or defense.

Vacancies.

SEC. 7. Any vacancy in a county office, other than that of supervisor, shall be filled by the board of supervisors by appointment for the unexpired term.

ARTICLE III.

TOWNSHIP OFFICERS.

SECTION 1. There shall be one justice of the peace and one constable for each judicial township. Justice of the peace and constable.

SEC. 2. Justices of the peace and constables shall be nominated and elected at the times and in the manner and for the terms provided by general law.

SEC. 3. The compensation of justices of the peace and constables shall be fixed by the board of supervisors, and shall in every case be a fixed salary; but such salary need not be uniform for the several townships, nor in proportion to population.

ARTICLE IV.

PURCHASING AGENT.

SECTION 1. There is hereby created the office of county purchasing agent. The chairman of the board of supervisors shall be ex officio the county purchasing agent, and the term of office of the county purchasing agent shall coincide with that of the chairman of the board of supervisors. Purchasing agent

SEC. 2. Except as otherwise hereinafter provided, no county, township or road district officer shall contract for or purchase any furniture, fixtures, tools, supplies, material or other articles or property for his use as such officer, or for use in or pertaining to his office, except by and through said purchasing agent, and in the manner herein provided. No other officer to purchase supplies

SEC. 3. Whenever any such officer shall require any such furniture, fixtures, tools, supplies, materials or other articles or property for his use as such officer, or for use in or pertaining to his office, he shall make and present to the auditor a written requisition for the same. The auditor shall thereupon examine such requisition, and endorse thereon his approval or disapproval, in whole or in part, and deliver the same to the clerk of the board of supervisors, who shall file it and present it to the board for allowance. If such requisition be allowed, in whole or in part, the clerk shall certify the fact of such allowance to the purchasing agent, who shall thereupon make such purchase as may be necessary to fill the requisition, as so allowed by the board, and shall deliver the articles so allowed, together with an invoice of the same, to the officer making the requisition, and the purchasing agent shall at the same time deliver a duplicate of such invoice to the auditor. Procedure for special supplies.

SEC. 4. Subject to regulation and direction by the board of supervisors, it shall be the duty of the purchasing agent to purchase from time to time, in quantity, such supplies of record and account books, printed blanks, stationery and other articles that may be required for official use, as shall be ordered by the board, and keep the same on hand for the filling of such requisitions for the same as shall be allowed by the board as hereinbefore provided. Purchase of general supplies.

SEC. 5. The foregoing provisions shall not apply to prevent Emergency cases.

or forbid the purchase by an officer of such minor articles or supplies as may be required for immediate use in case of emergency; but all such purchases shall be reported to the board of supervisors, and shall be subject to approval and allowance by the board.

Supplies
for
county
institutions.

SEC. 6. Subject to regulation and direction of the board of supervisors, it shall be the duty of the purchasing agent to contract for and purchase all furniture, supplies and material required for use in, or in connection with any and all county institutions; except and provided that perishable foodstuffs and other perishable articles may be purchased as required, by the officer or person in immediate charge of any such institutions, subject to such rules and regulations as shall be prescribed by the board of supervisors.

ARTICLE V.

REPORTS AND ACCOUNTS.

Inventory
of prop-
erty of
officers.

SECTION 1. Every county officer, other than the auditor, and every township and road district officer, shall, within five days after entering upon the discharge of the duties of his office, make and file with the auditor a complete detailed inventory of all property belonging or pertaining to his office, received by him from his predecessor; and the auditor, within the same time, shall make and file a like inventory as to his office with the clerk of the board of supervisors.

Monthly
report of
property.

SEC. 2. Every such officer, other than the auditor, shall monthly, within five days after the expiration of each calendar month, make and file with the auditor a report for such month, showing in detail all accessions to property of or pertaining to his office, during such month, and how and from whom acquired, and also showing in detail what property of or pertaining to his office has, during such month, been lost, destroyed, consumed, or otherwise disposed of; and the auditor, within the same time, shall make and file a like monthly report as to his office with the clerk of the board of supervisors.

Monthly
report of
moneys.

SEC. 3. Every such officer, other than the auditor, shall monthly, within five days after the expiration of each calendar month, make and file with the auditor an account for such month, showing in detail all moneys received by him as such officer, from any and all sources, during such month, and also, in detail, the amounts of all moneys, if any, that shall during such month have become due or payable to such officer upon any and all accounts, but not received or collected by such officer, and also showing in detail all expenditure, payment, or other disposition of any and all moneys made by him during such month; and the auditor, within the same time, shall make and file a like monthly account as to his office with the clerk of the board of supervisors.

Duty of
auditor.

SEC. 4. It shall be the duty of the auditor to examine and audit each and all such reports and accounts as received by him, and if it shall appear to him that any such report or account is erroneous, or not sufficiently full, complete or

detailed, he shall forthwith, in writing, direct the attention of the officer making such report or account to such apparent error or insufficiency, and require from such officer such correction or such new or supplemental or further report or account as to the auditor shall seem proper; and it shall be the duty of such officer to comply forthwith with such requirement of the auditor.

SEC. 5. The auditor shall not audit, nor shall the treasurer pay, the monthly salary of any officer whose duty it is to make monthly report and account to the auditor as aforesaid, until after such report and such account shall have been made to the auditor and accepted by him.

Salary withheld till report is made.

SEC. 6. It shall be the duty of the auditor to make thorough inspection and examination from time to time, and at least once every three months, of all books and accounts of all other county officers and of all township and road district officers, and of the methods of keeping the accounts and transacting the business of such officers, and to prescribe in writing as to each or any or all of such offices such rules, regulations, forms and methods as to keeping the accounts thereof, and as to making the reports and accounts hereinbefore provided for, as to the auditor shall seem proper; and it shall be the duty of each and all of such officers to comply with such requirements of the auditor.

Auditor to inspect books, etc.

SEC. 7. It shall be the duty of the auditor to make written report, quarterly, to the board of supervisors, as to the condition, affairs, business and accounts of each and all county, township and district offices, with such criticisms, commendations, suggestions and recommendations as he shall deem proper as tending to the correction of defects or abuses, or the promotion of efficiency or economy, in the administration of all or any of such offices; and it shall be his duty in such report to point out particularly any known or apparent misconduct, neglect or failure in regard to official duty, as to all or any of such offices. It shall also be the duty of the auditor to make special examination and report as to any particular office or officer, or as to any matter relating to any particular office or officer, whenever directed so to do by the board of supervisors.

Quarterly report of auditor

SEC. 8. It shall be the duty of the board of supervisors to employ from time to time, and at least once every six months an expert accountant, whose duty shall be to make thorough examination and report as to the condition, business and affairs of the auditor's office and particularly as to the books and accounts of that office; and the board may, whenever it shall deem it necessary or expedient so to do, employ an expert accountant to make examination and report as to any other office or officer, independent of and in addition to any report or account made, or required to be made, by the auditor.

Expert to examine auditor's accounts

SEC. 9. The auditor shall keep a "property account" with each county, township and road district officer, in which account such officer shall be charged with all property received

Auditor to keep "property account."

by him from his predecessor, as shown by the inventory and report hereinbefore provided for, and shall be charged with all property thereafter received by such officer, as shall appear from the monthly reports of such officer or from the duplicate inventories filed with the auditor by the county purchasing agent; and such officer shall be officially responsible for all property so charged to him until the same shall properly be consumed or be delivered to his successor, or be disposed of or accounted for as authorized or provided for by the board of supervisors.

Reports
open to
inspection.

SEC. 10. All reports and accounts hereinbefore provided for shall be kept on file in the proper office, and shall be open to inspection there, during office hours, by any citizen or taxpayer of the county.

ARTICLE VI.

ROADS AND HIGHWAYS.

Road
districts.

SECTION 1. The board of supervisors shall divide the county into such road districts as they shall deem proper, and may change the boundaries or create new districts from time to time. The road districts now existing shall constitute the road districts here provided for, until changed by the board.

Highway
commissioner.

SEC. 2. There is hereby created the office of county highway commissioner, who shall be appointed by the board of supervisors at any time and shall hold office at the pleasure of the board; and the board shall fix his compensation. It shall be the duty of the board to appoint to such office a competent, experienced road engineer.

Duties.

SEC. 3. Except as otherwise specially provided by law or by the board of supervisors in connection with an issue of bonds for highway construction, the county highway commissioner, subject to such general rules and directions as shall be prescribed by the board of supervisors, shall have general supervision, direction and control over all work of construction, maintenance and repair of any and all roads, highways and bridges in any and all of said road districts, other than work done under contract entered into by the board of supervisors; and as to such contract work, it shall be his duty to examine and inspect all such work, as the same progresses, and see that it is done in accordance with the contract.

District
road com-
missioner.

SEC. 4. There is hereby created the office of district road commissioner in and for each road district, who shall be appointed at any time by the board of supervisors and shall hold office at the pleasure of the board; and the compensation of each and all of the district road commissioners shall be fixed by the board of supervisors, and such compensation need not be uniform in amount.

Duties.

SEC. 5. Except as otherwise specially provided by law or by the board of supervisors in connection with an issue of bonds for highway construction, and subject to such general rules and directions as shall be prescribed by the board of supervisors, and subject to the general supervision, direction and control of the county highway commissioner, each district

road commissioner shall have the immediate charge, direction and control of all work of construction, maintenance and repair of any and all roads, highways and bridges in his road district, other than work done by contract, and of the employment and discharge of all employees required in the performance of such work, and the hiring of such teams and the purchasing of such tools, implements, supplies and material as may be required for such work, except as such purchase may be required to be made from the lowest bidder under contract, or may by this charter be required to be made by the county purchasing agent.

SEC. 6. No member of the board of supervisors shall be appointed county highway commissioner or district road commissioner, nor shall any supervisor have or exercise any power or duty conferred by this charter upon a county highway commissioner or a district road commissioner.

No supervisor to be highway or road commissioner.

SEC. 7. The county highway commissioner and each of the district road commissioners, before entering upon the duties of his office, shall give an official bond for the faithful performance of his duties, in a penal sum to be fixed by the board of supervisors, which bond shall be approved by the board.

Bonds.

ARTICLE VII.

MISCELLANEOUS.

SECTION 1. In all cases in which the board of supervisors are authorized by law or by this charter to fix the compensation of any officer, such compensation shall be fixed prior to the election or appointment of such officer, and shall not be increased or diminished during the term for which such officer shall be elected or appointed.

Compensation fixed prior to appointment.

SEC. 2. In all cases in which an officer is to receive a fixed salary, whether such salary be fixed by this charter or by the board of supervisors, such salary shall be in full compensation for all service by such officer; and in all cases in which such officer is, by general law, entitled to charge or receive any fees or commissions, it shall be the duty of such officer to charge, collect and receive such fees and commissions, and to pay the same monthly to the county treasurer; *provided*, that the necessary actual traveling expenses properly incurred by any officer, or by any assistant, deputy, clerk or attaché of such officer, in the performance of his official duties, shall be a legal charge against the county.

Salary, full compensation.

SEC. 3. All annual salaries of officers, assistants, deputies, clerks and attachés, whether fixed by general law or by this charter or by the board of supervisors, shall be payable in equal monthly installments.

Payable monthly.

SEC. 4. The board of supervisors may, by ordinance, provide for the appointment of a board of civil service commissioners, and prescribe their duties and fix their compensation and their term of office; and the board may by ordinance, prescribe such civil service rules and regulations as they shall deem proper to govern themselves in the appointment of any or all officers, assistants, deputies, clerks and attachés, whose

Civil service commission.

appointment they are authorized to make, by general law or by this charter.

Tenure of
office of
incum-
bents not
affected.

SEC. 5. Nothing in this charter is intended to affect, or shall be construed as affecting, the tenure of office of any of the elective officers of the county, or of any district, township or division thereof, in office at the time this charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law; nor shall anything in this charter be construed as changing or affecting the compensation of any such officer during the term for which he shall have been elected. But the successors of each and all of such officers shall be elected or appointed as in this charter provided, and not otherwise.

In effect
January
1, 1915.

SEC. 6. This charter, in so far as it relates to the nomination and election of supervisors and township officers, shall take effect and be in force from and after the time of its approval by the legislature, and as to all other matters it shall take effect and be in force from and after twelve o'clock, noon, of the first Monday after the first day of January, 1915.

We, the undersigned, members of the board of fifteen freeholders of the county of San Bernardino, in the State of California, elected at a special election held in said county on the 14th day of May, 1912, to prepare and propose a charter for said county, under and in accordance with section 7½ of article XI of the constitution of this state, have prepared and we do hereby propose the foregoing as and for a charter for said county.

In witness whereof we hereunto sign our names in duplicate this 14th day of September, 1912.

W. M. PARKER,
Chairman.

THOMAS DONNELLY,
Secretary.

[SEAL]

EDGAR H. PRICE.

JACOB JESSON.

ISAAC JONES.

M. D. KATZ.

W. H. REED.

J. S. WHITEMAN.

G. W. BEATTIE.

M. F. PALMER.

CHARLES RUEDY.

J. B. HANNA.

C. S. LOMBARD.

L. WM. GURR.

CHAS. A. ROUSE.

CERTIFICATE.

I, Charles Post, county clerk of the county of San Bernardino, State of California, hereby certify that the proposed

charter for said county, as set forth in the annexed preamble and concurrent resolution, is a true copy of such charter, filed in my office as recited in said preamble, and that each and all of the recitals in said preamble are true.

In witness whereof I have hereunto set my hand and affixed my official seal, this 20th day of January, 1913.

[SEAL] CHARLES POST,
County Clerk and ex officio Clerk of the Superior Court in
and for San Bernardino County, State of California.

AND WHEREAS, Said proposed charter has been duly presented and submitted to the legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment;

Now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), That said proposed charter of the county of San Bernardino be, and it is hereby approved as a whole, as and for the charter of said county. Approval
by legis-
lature.

CHAPTER 34.

Senate Concurrent Resolution No. 20, approving three certain amendments to the charter of the city of San Diego, in the county of San Diego, State of California, voted for and ratified by the qualified electors of the said city of San Diego, at a special election held thereon for that purpose, on the 27th day of February, 1913.

[Filed with Secretary of State April 7, 1913.]

WHEREAS, In accordance with the provisions of section 8 of article XI of the constitution of the State of California, the city of San Diego, a municipal corporation in the county of San Diego, State of California, framed a charter, which was duly ratified by a vote of the people of said city, at a special election held for that purpose on the 2nd day of March, 1889, which charter was duly approved by the legislature of the State of California, on the 16th day of March, 1889, by a joint resolution, entitled, "Senate Joint Resolution No. 5, approving the charter of the city of San Diego, in the county of San Diego, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the second day of March, 1889;" and, San Diego
charter
amend-
ments.

WHEREAS, The said charter of the said city of San Diego, ratified and approved as aforesaid, has now been in force for more than two years since its said adoption and approval and since it has been amended; the same not having been amended in the two years last past; and,

San Diego
charter
amend-
ments.

WHEREAS, The legislative authority of said city, being the common council thereof, did by resolution adopted by said common council on the 22nd day of January, 1913, submit, among others, three certain proposed amendments to said charter to the qualified electors of said city for approval; and,

WHEREAS, The said legislative authority of said city did by Ordinance No. 4974, entitled, "An ordinance calling a special election for the submission of certain proposed amendments to the charter of the city of San Diego, to the qualified electors thereof," which ordinance was passed by said legislative authority on the twenty-third day of January, 1913, and was approved by the mayor of said city on the thirty-first day of January, 1913, call an election of the qualified electors of said city, whereby and wherein said proposed amendments were, in accordance with the provisions of section 8 of article XI of the constitution of the State of California, duly submitted to the qualified electors of said city for their approval, which election was called to be holden in said city on the twenty-seventh day of February, 1913; and,

WHEREAS, Said proposed amendments were published for ten times after the passage and approval of said Ordinance No. 4974, in the city official newspaper of said city, to wit: *The Evening Tribune*, a daily newspaper published and of general circulation in said city of San Diego; and,

WHEREAS, Said special election was held in said city on said twenty-seventh day of February, 1913, and not less than twenty days nor more than forty days after the completion of the aforesaid publication of said proposals; and,

WHEREAS, There was an interval of two years and more after the last election in said city on charter amendments, previous to the said election of February 27, 1913; and,

WHEREAS, On the third day of March, 1913, being the Monday following said election, at a regular meeting of the common council of said city, held in accordance with law and the charter of said city, said common council duly and regularly canvassed the returns of said special election, and duly declared the result thereof, and said common council did thereby find and determine and this legislature finds that the said three proposed amendments submitted in said resolution and designated in said ordinance, and numbered, respectively, nine, eleven and thirteen, of the proposed amendments were, and each of them was, duly ratified by a majority of the electors voting thereon; and,

WHEREAS, The said three amendments and each of them so ratified by the electors of said city of San Diego at said special election are now submitted to the legislature of the State of California for approval or rejection as a whole, in accordance with section 8 of article XI of the constitution, and are in words and figures following:

"Amend chapter 1, of article VI, of said charter, by adding thereto a new section to be known as section 2b, which shall read as follows:

"Section 2b. The common council shall levy annually, in addition to all other taxes provided for in this charter, not less than four cents, nor more than six cents, on each one hundred dollars valuation of property, for the purpose of supporting and maintaining the public library. Said levy shall be sufficient in any event to realize six thousand dollars." Library tax.

"Amend chapter 1, of article VI, of said charter, by adding a new section thereto, to be known as section 2d, which shall read as follows:

"Section 2d. The common council shall levy annually, in addition to all other taxes provided in this charter, not less than one cent, nor more than two cents, on each one hundred dollars valuation of property, for the purpose of supporting and maintaining the public playgrounds of the city." Play-ground tax.

"Amend said charter by the addition of a new chapter to article III, which shall be entitled, 'Chapter 7½. Of City Playgrounds,' and which shall read as follows:

CHAPTER 7½.

OF CITY PLAYGROUNDS.

SECTION 1. There shall be created a board of five (5) commissioners, to be known as the board of playground commissioners. Play-ground commission.

SEC. 2. The members of the board of playground commissioners shall be appointed by the mayor, subject to a confirmation by a majority of the council. All such appointments shall be made so that not more than three of said commissioners shall be of the same sex. The members of said board shall serve without compensation, and shall hold office for four years, and until their successors are appointed and qualify. If any vacancy occur, the mayor shall fill the same for the unexpired term, subject to confirmation by a majority of the council.

SEC. 3. The board of playground commissioners shall organize by electing a president and a secretary, each of whom shall hold office for one year, and until his successor is elected. The board shall maintain an office for the transaction of business. Said board shall hold regular meetings at least once a month.

SEC. 4. All appointments, suspensions and removals of employees of the children's playgrounds and recreation centers, shall be made by the board of playground commissioners, subject to such civil service regulations as are now, or may hereafter be in force.

SEC. 5. All children's playgrounds and recreation centers and the design, construction, maintenance and use of all buildings and improvements thereon shall be under the exclusive control and management of the board of playground commissioners.

SEC. 6. The board of playground commissioners may, for and on behalf of the city of San Diego, receive donations,

Play-ground
commission.
sion.

legacies or bequests for the improvement or maintenance of said playgrounds, or for the acquisition of new playgrounds, and all moneys derived from such donations, legacies or bequests shall unless otherwise provided by the terms thereof, be deposited in the treasury of the city of San Diego to the credit of the playground fund. The same may be drawn therefrom and paid out only in the manner as is provided in the charter for the payment of money from other funds. If the moneys derived from such gifts, bequests or legacies shall at any time exceed in amount the sum necessary for immediate expenditure on said playgrounds, the board may invest all or a part of the surplus in interest-bearing bonds of the United States or of the State of California, or of any county, municipality or school district thereof. As to all of such property the board of playground commissioners shall be deemed and considered to be a special trustee thereof for the city of San Diego.

SEC. 7. The council shall have power, by ordinance, to set aside for playground purposes, any lands now or hereafter owned or controlled by the city, and not held for or devoted to, any public use.

SEC. 8. The council shall for the acquisition, development and maintenance of children's playgrounds, appropriate annually, not less than one cent, nor more than two cents, on each one hundred dollars of assessed valuation as a special tax independent of the general tax levied, and the amount so appropriated shall be credited to the playground fund.

SEC. 9. Said board of playground commissioners shall have power to employ and fix the compensation of such employees as may be necessary for the proper care and improvement of said playgrounds, to expend the moneys appropriated by the council, or receive from any other source, for the purpose of managing and improving said playgrounds and recreation centers.

SEC. 10. The board of playground commissioners shall have further powers and perform such other duties as may be granted or imposed by ordinance."

Now, therefore, be it

Resolved by the legislature of the State of California, being the senate and assembly of said state (a majority of all the members elected to each house voting for and concurring therein), That said amendments to the said charter of the said city of San Diego, as proposed and submitted to, and adopted and ratified by, the qualified electors of said city, be, and the same are, and each one of them is, hereby approved as a whole, without amendment or alteration, for and as amendments to, and as part of the charter of the said city of San Diego.

Approval
by legis-
lature.

CHAPTER 35.

Assembly Concurrent Resolution No. 25, approving a certain amendment to the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 18th day of March, 1913.

[Filed with Secretary of State April 9, 1913.]

WHEREAS, The city of San Luis Obispo, in the county of San Luis Obispo, State of California, contains a population of more than thirty-five hundred inhabitants and has been ever since the year 1910, and is now, organized and acting under and by virtue of section 8, article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twelfth day of September, 1910, and approved by the legislature of the State of California, on the twenty-third day of February, 1911; and

San Luis
Obispo
charter
amend-
ment.

WHEREAS, The council of the said city duly proposed to the qualified electors of said city an amendment to the charter of such city by the submission of one proposal entitled as follows, to wit:

Charter Amendment No. 1.

That there be added to the charter an article to be known as article XVIII, containing sections 111 to 119 inclusive, and to read as follows, to wit:

ARTICLE XVIII.

POLICE COURT.

SEC. 111. The judicial power of the city of San Luis Obispo shall be vested in a police court to be held therein. Said court shall consist of one judge who shall be appointed by the council, or other legislative body of said city, and who shall serve during its pleasure, and who shall receive such compensation as the council of said city shall determine.

Police
court.

SEC. 112. Said court shall have exclusive jurisdiction:

(1). In all prosecutions for violations of municipal ordinances.

(2). In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed or created by the city ordinances and in which the sum sued for does not amount to three hundred dollars.

SEC. 113. Within the city limits said court shall have concurrent and co-ordinate jurisdiction with township justices' courts in all matters and things in which said justices' courts now or may hereafter have jurisdiction, and the judge of said police court shall have as aforesaid like authority, power and jurisdiction as the justices of said justices' court.

SEC. 114. Appeals may be taken to the superior court of

Police
court

the State of California, in and for the county of San Luis Obispo, from the judgments and orders of said police court in all cases in which appeals now are, or may hereafter be provided by law to be taken to said superior court from said justices' and police courts.

SEC. 115. In all proceedings in and appeals from said police court, the pleadings, practice, procedure and laws, now applicable or that may hereafter be made applicable to said justices' or police courts, except as may be otherwise provided in this article, are hereby adopted and made applicable to said police court.

SEC. 116. All fines, and other moneys received or collected by the judge of said police court, for or on account of the city of San Luis Obispo, shall be paid into the city treasury on the last day of each month before the hour of twelve o'clock noon; *provided*, that if the last day of the month falls upon a Sunday or legal holiday, then such payment must be made on the day preceding before the hour of twelve o'clock noon.

SEC. 117. The judge of said police court shall have power to administer oaths and affirmations and take and certify affidavits. He shall have and use a seal on which shall be inscribed the arms of the State of California and the words: "Judge of the Police Court of the City of San Luis Obispo." He shall have power to issue warrants, writs and summons in all respects as if issued by the justice of the peace. Any warrant, writ or summons issued out of said court may be served in any county of the state; *provided*, there is attached to it a certificate under seal by the county clerk of San Luis Obispo county to the effect that the person issuing the same was the acting judge of said court at the time of the issuance of said process.

SEC. 118. In all civil actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinance of such city or town where the fine, penalty or forfeiture imposed by the ordinance is not more than one hundred (\$100) dollars, the trial must be by the court, in civil actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of said city is over one hundred dollars, the defendant is entitled to a jury.

SEC. 119. The mayor may, in writing, appoint any justice of the peace of said county or the judge of any inferior court of like jurisdiction in said county during the temporary absence or inability of the judge of the police court to act.

WHEREAS, Said proposal was published for ten days in the *Daily Telegram*, a daily newspaper of general circulation, printed, published and circulated in said city of San Luis Obispo; and

WHEREAS, Said council did, by Ordinance No. 26 (new series), duly and regularly adopted, passed and approved, on the 10th day of February, 1913, called a special election to be held on the 18th day of March, 1913, in said city, being not less than twenty nor more than forty days after the completion

of the publication of said proposal for ten days in said newspaper; that said ordinance contained all the matters and things required to be contained therein by section 8 of article XI of the constitution of the State of California; and

WHEREAS, At said election held as aforesaid, a majority of the qualified electors, voting thereon, voted in favor of such proposal or amendment and did ratify the same; and

WHEREAS, The city council of the said city of San Luis Obispo, in accordance with the law in such cases made and provided, did on the 19th day of March, 1913, duly canvass the returns of said election as certified by the election boards and duly found, determined and declared that a majority of the qualified electors of said city voting thereon, had voted for and ratified said proposed amendment to the charter of said city of San Luis Obispo; and

WHEREAS, The said amendment to the said charter was ratified by a majority of the qualified electors of said city voting at said election is in words and figures as follows, to wit: as hereinbefore set forth.

STATE OF CALIFORNIA, }
 COUNTY OF SAN LUIS OBISPO. } ss.

I, Archibald McAlister, mayor of the city of San Luis Obispo, do hereby certify that said city is, and at all of the times herein mentioned was, a city containing a population of more than thirty-five hundred inhabitants governed by a charter framed for its own government by a board of fifteen freeholders, who were elected for that purpose, and which charter was duly ratified by the electors of said city and thereafter duly approved by the legislature of the State of California, as hereinbefore set forth:

I further certify that the above and foregoing amendment to said charter of said city of San Luis Obispo, was proposed by the council of said city and after due and regular publication of such proposal was submitted by said council to the qualified electors of said city at a special election duly and regularly called and held in said city on the 18th day of March, 1913, and at said election said proposal or amendment as hereinabove set forth was ratified by a majority of the electors of said city, voting thereon, and thereat and said proposal or amendment was upon the canvass of the votes thereon made by the council of said city on the 19th day of March, 1913, duly declared by said council to have been ratified by the electors of said city.

In witness whereof I have hereunto set my hand and affixed the seal of said city of San Luis Obispo this 25th day of March, 1913.

ARCHIBALD McALISTER,
 [SEAL] Mayor of the City of San Luis Obispo.
 Attest: CARRIE G. MILES, City Clerk.

WHEREAS, Said amendment was ratified as hereinbefore set forth has been duly presented and submitted to the legislature

of the State of California, for approval or rejection without power of alteration or amendment in accordance with said section 8 of article XI of the constitution of the State of California; now, therefore, be it

Approval
by legis-
lature.

Resolved by the assembly of the State of California, the senate concurring therein (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendment to the said charter of the city of San Luis Obispo hereinbefore set forth as presented and submitted to, and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole for, and as an amendment to, the said charter of said city of San Luis Obispo.

CHAPTER 36.

Assembly Joint Resolution No. 20, relative to a federal income tax.

[Filed with Secretary of State April 10, 1913.]

Federal
income
tax
amend-
ment.

WHEREAS, The proposed amendment to the federal constitution conferring upon congress the power to levy and collect an income tax, has been duly ratified by the legislatures of three fourths of the several states; and

WHEREAS, An income tax would help to equalize the burden of government, and tend to strengthen the central government in time of war and other emergencies; therefore, be it

Resolved, That the senate and assembly of the State of California hereby join in requesting the congress of the United States to enact, at the earliest possible date, appropriate legislation providing for the levy and collection of an income tax; be it further

Resolved, That our senators and representatives in congress be requested to do their utmost to forward such legislation; and be it further

Resolved, That a copy of these resolutions be forthwith transmitted by the secretary of the senate to the president of the senate of the United States and the speaker of the house of representatives of the United States, and a copy hereof sent to each member of congress from the State of California.

CHAPTER 37.

Senate Joint Resolution No. 24, relating to the preservation of the natural conditions of Lake Tahoe, and of establishing by judicial decree the conflicting claims to the use of the flood waters thereof.

[Filed with Secretary of State April 11, 1913.]

WHEREAS, Lake Tahoe, on account of its great natural beauty, is regarded as a valuable asset of the State of Cali-

fornia by the citizens thereof, and many of such citizens have acquired vested interests on the shores of such lake; and

WHEREAS, The state claims title to the major portion of the flood waters of such lake, which waters it hopes and expects, in the near future, to utilize for the purpose of generating power and of irrigating lands within its borders, and for the domestic uses of its citizens; and

Preservation of natural conditions of Lake Tahoe.

WHEREAS, It has become the declared intention of the reclamation service of the United States to convert the lake into a reservoir for an irrigation system in the state of Nevada, and, to that end, to artificially lower the natural rim of the lake and to widen the outlet channel of the same, thereby making it possible to draw from such lake more water than can be supplied by its average natural rise of two and one half (2½) feet per annum; and

WHEREAS, The plans of the reclamation service, if carried into effect, will infringe upon the vested legal rights of the State of California and its citizens, to their irreparable damage; now, therefore, be it

Resolved by the senate and assembly jointly, That the legislature of the State of California does hereby protest against any interference on the part of the federal government or its agents with the natural conditions of Lake Tahoe; and be it further

Protest against lowering water.

Resolved, That the President of the United States be, and he is, hereby, respectfully requested to cause legal proceedings to be instituted in some court of competent jurisdiction in order to determine the respective rights of all persons claiming title to the flood waters of Lake Tahoe, and particularly, to determine the rights of the United States of America, the State of Nevada, the State of California and the Truckee general electric company; and be it further

Resolved, That the attorney general of the State of California be, and he is, hereby, respectfully requested to institute and prosecute as speedily as possible any action in the Supreme Court of the United States on behalf of the State of California, and against the State of Nevada and such other claimants to the use of the waters of Lake Tahoe as may be properly joined as parties, in order to determine the respective rights of such parties to the use of such waters; and be it further

Resolved, That a copy of these resolutions be forwarded to the President of the United States, to the secretary of the interior of the United States, to the United States reclamation service, and to each member of the United States senate and house of representatives.

CHAPTER 38.

Senate Joint Resolution No. 26, relative to making investigations and experiments as to nature and cure of tuberculosis.

[Filed with Secretary of State April 11, 1913.]

Tubercu-
losis
cure.

WHEREAS, It appears that the loss of life and the suffering occasioned by the ravages of tuberculosis in its various forms in the United States are of such magnitude as to make the discovery of adequate means of eradicating that disease a matter of national concern; and

WHEREAS, The greatest facilities, opportunities and inducements should be afforded capable investigators with a view to discovering some practicable means for its control and cure; therefore be it

Congress
urged to
finance
investiga-
tion.

Resolved by the senate of California and the assembly jointly, That we respectfully urge on the congress of the United States the immediate enactment of such laws, and an appropriation from the treasury of the United States of such sums, as may seem advisable to congress, to afford to properly trained experts, adequate means and opportunities to make the most exhaustive investigations and experiments as to the nature and cure of tuberculosis and as to alleged cures therefor; and that we further urge upon the congress of the United States an appropriation of an adequate sum to be given as a reward to the discoverer or discoverers of an effective means of curing tuberculosis, on satisfactory proof of the effectiveness of such discovery and on a full and complete revelation of the effective means thus employed so that the fullest publicity may be given thereto for the general benefit of the medical profession; be it further

Resolved, That each senator and each representative in congress from the State of California be, and he is hereby requested to use all honorable means to secure the enactment of such legislation; and be it further

Resolved, That a copy of this resolution be forthwith transmitted by the chief clerk of the senate to the president of the senate of the United States and to the speaker of the house of representatives of the United States and a copy hereof to each member of congress from the State of California.

CHAPTER 39.

Senate Joint Resolution No. 11, relative to requesting our senators in congress to support "A bill, H. R. No. 22871," pending in the senate of the United States.

[Filed with Secretary of State April 16, 1913.]

WHEREAS, A bill, house resolution No. 22871, known as the Lever bill, providing for farm demonstrators under the direc-

tion of the colleges of agriculture of the various states of the United States, has passed the house of representatives, in the congress of the United States, and is now pending in the senate; therefore, be it

Farm
demon-
strators
bill
approved.

Resolved by the senate and assembly jointly, That the legislature heartily approves all of the provisions in said bill and hereby respectfully requests our senators in congress to vote for and use every honorable means to secure the passage of said bill by the senate of the United States as it passed the house of representatives, without alteration or amendment as to benefits provided; be it

Resolved further, That copies of this resolution be sent by telegraph to each of the senators from California in the congress of the United States.

CHAPTER 40.

Committee Substitute for Senate Concurrent Resolution No. 23, relative to the appointment of a committee to investigate certain charges against the secretary of state.

[Filed with Secretary of State April 18, 1913.]

WHEREAS, The secretary of state of the State of California has petitioned for the appointment by the law-making body of this state of a committee to investigate certain charges stated by him to have been made to the effect that he has not properly fulfilled the duties of his office, such committee to investigate the conduct of his office and to report upon the truth or falsity of such charges during the present session of the legislature; now, therefore, be it

Committee
to investigate
charges
against
secretary
of state.

Resolved by the senate of the State of California, the assembly concurring, That a special committee of six members of the legislature be appointed to be composed of three senators appointed by the president of the senate, and three assemblymen appointed by the speaker of the assembly, to investigate the conduct of the office of secretary of state by the said Frank C. Jordan, incumbent, and of every department and branch thereof, and the acts of said secretary of state, and each or all of his subordinates, deputies or assistants acting in any capacity and wherever stationed with respect to the duties of such office of secretary of state, or of any other office which he may hold or fill in an ex officio capacity, and upon the conclusion of such investigations to report to both houses of this legislature the result thereof, together with such conclusions and recommendations as such committee shall deem proper; and be it further

Resolved, That said committee be, and it is hereby, authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and subjects hereinbefore enumerated, and to that end to employ all

necessary clerical and expert assistants; and said committee is hereby authorized and empowered to summon witnesses, send for persons and papers, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony; and the members of said committee are, and each of them is, hereby authorized to administer oaths; and all the provisions of article VIII of chapter II, title I, part III, of the Political Code of this state relative to the "attendance and examination of witnesses before the legislature and committee thereof" shall apply to the committee appointed under this resolution; and the sergeant-at-arms of the senate is hereby authorized and directed to serve any and all subpoenas and orders or other process that may be issued by the said committee when directed so to do by the chairman thereof; that said committee is further authorized and directed to cooperate with the state board of control in making such investigation, and inquire into such matters as may be called to its attention by said board or any member thereof, and to the end that the committee may have at its disposal and for its consideration all evidence taken by said state board of control pertaining to the office of the secretary of state; that said committee be given leave to sit during the sessions of the senate and assembly and that it report as speedily as possible the result of its investigations to both houses with such recommendations as it may deem proper; and be it further

Appropriation.

Resolved, That the sum of three thousand dollars is hereby made available for the purpose of defraying the expenses of such committee in said investigation; one half of the same to be paid from the contingent fund of the senate, and one half to be paid from the contingent fund of the assembly, and the state controller is hereby authorized and directed to draw his warrants in favor of the chairman of said joint committee for such expenditures as the same may be certified to him from time to time by the chairman of said committee, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 41.

Assembly Concurrent Resolution No. 26, relative to the payment of expenses incurred by the joint commission appointed to investigate the advisability of removing the Stockton State Hospital to the state agricultural farm.

[Filed with Secretary of State April 29, 1913.]

Expenses of commission on removal of Stockton hospital.

WHEREAS, Pursuant to assembly concurrent resolution No. 13 the following named members of the senate and assembly were authorized and empowered to make certain investigation relative to the feasibility of removing the Stockton state hospital to the state agricultural farm in San Joaquin county, namely, Lieutenant Governor Wallace, chairman, W. C. Wall,

member from twentieth assembly district, secretary, E. K. Strobbridge, chairman of the senate committee on finance, B. F. Rush, chairman of the senate committee on hospitals and asylums, A. Caminetti, member from tenth senatorial district, J. E. Cram, chairman of the assembly committee on hospitals and asylums, W. F. Chandler, chairman of the assembly committee on ways and means, T. D. Johnston, chairman of the assembly committee on state grounds and parks, and J. W. Stuckenbruck, member of the nineteenth assembly district; and

WHEREAS, By the terms of said resolution, the said members were to be allowed actual expenses necessarily incurred in the performance of their duties; and

WHEREAS, Said committee has submitted the following itemized statement of expenses with proper vouchers attached, through its secretary, W. C. Wall, one half to be charged against the contingent fund of the assembly, and one half against the contingent fund of the senate:

Retainer fee, as per claim,	
Judge E. I. Jones, Stockton, Cal.....	\$25 00
Searching of record from 1852 up to 1913,	
Miss M. C. Alley, Stockton, Cal.....	25 00
Special stenographic work for commission,	
Miss Maud Alley, Stockton, Cal.....	25 00
Western Union Telegraph Company,	
Telegrams as per attached bill.....	1 97
Transportation and hotel—	
J. E. Cram	15 00
B. F. Rush	10 00
J. W. Stuckenbruck	5 00
A. Caminetti	0 00
A. J. Wallace	0 00
E. K. Strobbridge	0 00
W. F. Chandler	0 00
C. C. Young	0 00
T. D. Johnston	0 00
Automobile hire, stamps, stenographic work, etc.,	
W. C. Wall	10 00
Total	\$116 97

Resolved by the assembly, the senate concurring, That the controller be and he is hereby authorized and directed to draw his warrant one half upon the appropriation for the contingent expenses of the assembly and one half upon the appropriation for the contingent expenses of the senate, in favor of the said W. C. Wall, for the sum of one hundred and sixteen dollars and ninety-seven cents, and the state treasurer is hereby directed to pay the same.

CHAPTER 42.

Assembly Joint Resolution No. 1, relative to requesting congress of the United States to call a convention for the purpose of submitting an amendment to the constitution of the United States calling for the election of president and vice president of the United States by a direct vote of the people.

[Filed with Secretary of State May 9, 1913.]

Amend-
ment
to U. S.
constitu-
tion for
direct
election of
president
favored.

WHEREAS, The twelfth amendment to the constitution of the United States, provides for the election of the president and vice president by and through electors, selected by the people of the respective states, and such method of procedure is not satisfactory to the people of the State of California, and

WHEREAS, The present method of election of the president and vice president is not in accordance with a truly representative government of, for and by the people, therefore, be it

Resolved, That the legislature of the State of California at its fortieth session favors the adoption of an amendment to the constitution of the United States which shall provide for the election of the president and vice president by a direct and popular vote of the people;

Resolved, That a copy of this joint resolution and application to congress of the United States for the calling of a convention, for the above purposes be sent to the governor of each state of the United States, and a similar copy be sent to the president of the United States, the president of the United States senate and the speaker of the house of representatives, and to each member, in the senate and house of representatives, from the State of California.

CHAPTER 43.

Assembly Joint Resolution No. 13, a joint resolution asking the congress of the United States to enact the Hamill bill (H. R. 9242) known as "the straight pension" bill for the pensioning of civil service employees of the United States post office department.

[Filed with Secretary of State May 9, 1913.]

Pensions
for
post office
employees
favored.

WHEREAS, At a convention held in the city of Rochester, State of New York, in September, 1911, at which thirty thousand letter carriers employed by the United States post office department, including representatives of the letter carriers from nearly every city and town in California were represented resolutions were adopted asking congress to enact the Hamill "straight pension" bill (H. R. 9242) which provides for a pension to all the civil service employees of the United States post office department under conditions prescribed in the bill; and

WHEREAS, The legislature of the State of California is in hearty sympathy and accord with the project to pension those faithful servants of the government; therefore, be it

Resolved by the senate and assembly of the State of California, That they heartily recommend to congress the speedy passage of the said Hamill bill (H. R. 9242) and direct the senators and request the members of the house of representatives in congress from the State of California to give their support to and vote for the said bill; and be it further

Resolved, That the chief clerk of the assembly be and he is hereby instructed to immediately after their adoption, forward a copy of these resolutions to the president of the senate of the United States, to the speaker of the house of representatives and to the senators and representatives in congress from the State of California.

CHAPTER 44,

Assembly Joint Resolution No. 18, relative to the protection of the California beet sugar industry in the enactment by congress of laws affecting tariffs on imports into the United States.

[Filed with Secretary of State May 9, 1913.]

WHEREAS, In the process of tariff revision by congress, the indicated tendency is toward an abolition of all duties on imported sugar; and

Beet
SUGAR
industry.

WHEREAS, Such a policy would be calamitous to the cane and beet sugar industry of the nation at large, and especially to the beet sugar business of the State of California, which produces 165,000 tons per annum, or one quarter of the beet sugar output of the United States; and

WHEREAS, The annual consumption of sugar in our country is now 3,500,000 tons per annum supplied, viz.:

From domestic cane grown in Porto Rico,
Louisiana and Sandwich Islands.....1,100,000 tons
From beet sugar manufactured in sixteen states 650,000 tons

1,750,000 tons

the balance being purchased from foreign countries and refined by a few corporations on the Atlantic seaboard who are clamoring for "free sugar" in order that they may check the further invasion of their markets by the constantly growing beet sugar industry; and

WHEREAS, Our nation's beet sugar output has increased from 40,000 tons in 1897 to 650,000 tons in 1912—a rate of increase greater than can be shown in any country in Europe during an equal period of time; while our cane-producing districts have apparently reached the limit of their productivity; and

WHEREAS, This country should, and can, become self-supplying in the matter of sugar through the development of the beet

sugar industry, now involving the use of only 450,000 acres of land against 274,000,000 acres adapted to the cultivation of the sugar beet; and

WHEREAS, The development of the industry is checked by the menace of a free sugar bill, which will subject this product to competition with cane and beet sugar produced under the low wage conditions in the tropics and Europe, and at prices delivered at our seaboard lower than, under our conditions, is paid to the farmers of our state for the sugar in the beet, before it is manufactured; now, therefore,

Fixing of
tariff.

Resolved, That the legislature of the State of California (a majority of all members elected to the senate and assembly voting for the adoption of this resolution, and concurring therein) requests the senate and house of representatives of congress at Washington, and the president of the United States, that due regard be had, in the consideration of tariff revision, for the claims of the beet sugar industry, which is so full of promise to our nation; and that the principle governing the revision of the tariff in this regard be, that the tariff should equalize the difference between the cost of production of sugar at home and abroad.

Resolved, That a copy of these resolutions be forwarded to each of the members of congress from the State of California, to be presented to the president and congress.

CHAPTER 45.

Assembly Joint Resolution No. 24, relative to banking and currency reform.

[Filed with Secretary of State May 9, 1913.]

Banking
and
currency
reform
legislation
urged.

WHEREAS, Banking and currency reform is one of the primary planks in the platforms of all the major political parties; and

WHEREAS, Industrial and commercial interests throughout our entire country, without regard to party affiliation, are hopeful of such immediate legislation as will relieve business of the uncertainty arising out of existing banking and currency laws; and

WHEREAS, We believe banking and currency reform to be commensurate, in matter of importance to the industrial and commercial interests of our country, with the tariff; be it

Resolved by the assembly of California and the senate, jointly, That we respectfully urge the president of these United States to send a special message to congress, at the special session about to convene, which shall have for its object the urgency of such immediate remedial banking and currency legislation as will meet the present and future exigencies of commerce and thereby avoid the possibility of that periodical stress in business to which this country has been too often subjected.

CHAPTER 46.

Assembly Concurrent Resolution No. 28, relative to request of farmers of seventeenth senatorial district to board of prison directors to be released from contracts for purchase of grain bags.

[Filed with Secretary of State May 9, 1913.]

WHEREAS, The farmers of the seventeenth senatorial district, who in their farming operation needed grain bags in anticipation of the average grain crop, entered into the contracts with the board of state prison directors for the purchase of grain bags, and in accordance with a rule of said board paid a deposit thereon of ten per cent of the amount of such contracts; and

Prison board requested to release farmers from grain bag contracts.

WHEREAS, Since the making of such contracts by said farmers, the dry season has caused a failure of the grain crops in said senatorial district, and such failure avoids the necessity for the purchase of the number of grain bags that they had originally contracted for as aforesaid; and

WHEREAS, Owing to said crop failures, it is the judgment of the members of the legislature, that an exception should be made under the circumstances in favor of the farmers of said senatorial district, as well as others in the state similarly situated who may desire to be so relieved; therefore,

Be it resolved by the assembly, the senate concurring, That the legislature respectfully requests the board of state prison directors to consider and grant the requests of farmers of said senatorial district and such other farmers of the state who may ask for such relief for a return of said deposit and cancellation of the contracts entered into under the conditions aforesaid.

Be it further resolved, That a certified copy of these resolutions be transmitted to the board of state prison directors by the secretary of the senate.

CHAPTER 47.

Assembly Constitutional Amendment No. 32—A resolution to propose to the people of the State of California, an amendment to the constitution amending article VI thereof, by inserting therein a new section to be known as section 4a, providing for the holding of extra sessions of the district courts of appeal, and the selection, designation and appointment of members of any court of appeal or judges of any superior court, to act pro tempore as justices of said district courts of appeal to hold such extra sessions thereof.

[Filed with Secretary of State May 9, 1913.]

The legislature of the State of California, at this fortieth session, commencing on the sixth day of January, 1913, two

Constitutional amendment.

thirds of all of the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that article VI of the constitution of the State of California be amended by adding thereto a new section, to be known as section 4a, which section shall read as follows:

Extra sessions of the district court of appeal.

Section 4a. The governor of the State of California may, and at the request of the chief justice of the supreme court of the State of California shall direct that an extra session or extra sessions of the district court of appeal of any district be held, and upon the request of the presiding justice of the district court of appeal of any district, shall direct that an extra session of such court be held. Each extra session of such court of appeal of any district shall be held by three judges who may be justices of the court of appeal of other districts of the State of California, or judges of any superior court within the state, one of whom shall be selected by the governor of the State of California, another by the chief justice of the supreme court of the State of California, and the other by the presiding judge of the court of appeals of the particular district in which the extra session is, or extra sessions are to be held. Said justices and judges so selected shall be justices *pro tempore* of said courts of appeal for the purpose of holding such extra session or sessions of said court. More than one extra session of the court of appeal of any particular district may be held at one time; *provided*, that each session shall be held by three justices *pro tempore* consisting of justices of the district courts of appeal of other districts, or judges of the superior court, selected as hereinabove set forth. During any extra session of the district courts of appeal, the presiding justice of the district court of appeal of such district may sit during such extra session with the said justices *pro tempore* holding such extra session, or he may designate one of the said justices *pro tempore* so holding said session, to act during such extra session as presiding justice thereof; *provided, however*, that whenever the presiding justice of the district court of appeal of such district shall so sit during such extra session with said other justices *pro tempore* holding such extra session, the concurrence of the three justices *pro tempore* holding such session, or of two of said justices and such presiding justice of the district court of appeal of such district, shall be sufficient to pronounce a judgment of said district courts of appeal of said district in any of the appeals, actions, proceedings or matters heard by, or submitted to such extra session of said court or the justices thereof. The presiding justice of the court of appeal of the district in which any such extra session is being held or to be held shall have power to assign causes and appeals pending in said court to such extra session, for consideration and decision. Said extra session of said district court of appeal and the said justices *pro tempore* holding the same, shall have jurisdiction to determine all causes, appeals, proceedings and matters that shall be so assigned to them for consideration and decision dur-

ing such extra session, with like force and effect as though such causes, appeals, proceedings and matters had been heard by, submitted to and determined by the duly elected, qualified and acting justices of said district court of appeal of the district in which such extra session is, or extra sessions are being held, or by such court. No justices *pro tempore* of the court of appeal of any district shall be qualified to participate upon the hearing of any cause in which, or in any proceeding in which he has acted as judge in any other court. No justices *pro tempore* of any court of appeal of any district shall receive any compensation for acting as such, other than that attached to the office which he holds at the time of his selection as such justice *pro tempore*, but shall be entitled to his actual expenses. Whenever any justice *pro tempore* of the supreme court is for any reason disqualified or unable to act in a cause pending before it, or any extra session thereof, the governor or justice by whom he has been selected shall forthwith select some other justice of the district court of appeal or judge of the superior court to act in his place. At any time after the causes and matters which shall have been assigned to such extra session of any district court of appeal or the justices *pro tempore* thereof, shall have been finally determined, the supreme court of the State of California, by an order entered upon its minutes, may terminate such extra session or extra sessions.

CHAPTER 48.

Senate Constitutional Amendment No. 12, a resolution to propose to the people of the State of California an amendment to the constitution of said state, by amending section four and one half of article VI thereof, relating to appeals.

[Filed with Secretary of State May 9, 1913.]

The legislature of the State of California, at its regular session commencing on the sixth day of January, in the year one thousand nine hundred thirteen, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes an amendment to the constitution of the State of California, by amending section four and one half of article VI thereof, to read as follows:

Constitutional amendment.

Section 4½. No judgment shall be set aside, or new trial granted, in any case, on the ground of misdirection of the jury, or of the improper admission or rejection of evidence, or for any error as to any matter of pleading, or for any error as to any matter of procedure, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice.

When judgments may be set aside.

CHAPTER 49.

Senate Joint Resolution No. 25, relative to memorializing congress regarding the citrus fruit industry of the State of California and requesting our senators and representatives in congress to use all honorable means to prevent a reduction in duties on citrus fruits below the point where the difference in the cost of production of the same would be equalized.

[Filed with Secretary of State May 9, 1913.]

Citrus
fruit
industry.

WHEREAS, The citrus fruit industry is one of the great and important enterprises of this state, representing an investment of two hundred million dollars, and materially contributes to the upbuilding thereof; and

WHEREAS, The rates of duty on citrus fruits should equalize the difference in cost of production between the United States and foreign countries; and

WHEREAS, The present rates of duty bring to the government a substantial revenue that has increased in recent years; and

WHEREAS, A material reduction of the duties on citrus fruits would hamper and retard the growth and development of the State of California; now, therefore, be it

Congress
urged not
to reduce
duties.

Resolved by the senate and assembly of the State of California, jointly, That we respectfully memorialize the congress of the United States not to reduce the duties on citrus fruits below a point equalizing the difference in the cost of production of the same in the United States and foreign countries, and we earnestly request our senators and representatives in congress to use every honorable means to prevent such reduction; be it further

Resolved, That the governor of the State of California be requested to appoint five citizens of California to present this memorial to congress in behalf of this state; and be it further

Resolved, That a copy of this resolution be telegraphed to the president and to each of our senators and representatives in the congress of the United States.

CHAPTER 50.

Senate Concurrent Resolution No. 8, relative to the training and education of orphan children, and instructing the state board of education to investigate the training and education now received by orphan children and the feasibility of extending the public school system of the state to provide for their training and education, and to report thereon to the forty-first session of the legislature of the State of California.

[Filed with Secretary of State May 9, 1913.]

WHEREAS, The education of youth is a duty of the state, a recognized safeguard of its institutions and liberties, and the basis of a free government; and

Board of education directed to investigate training and education of orphans.

WHEREAS, The public school system of this commonwealth, from the primary grades to the specialized courses in the universities, presents full opportunity to the children from the homes of its citizens, and the state has provided fitting institutions for the defective and imbecile young, and special courts, officers and reformatories have been established for the wayward juvenile offenders; and

WHEREAS, In all this elaborate system maintained at great cost by the taxpayers no provision of any kind has been made for the training or education of orphan children, physically and mentally sound and potentially capable of becoming useful and able citizens; and

WHEREAS, These little ones, all innocently and hopelessly bereft of the affectionate care of parents and whose only offense against society is their lack of such protection and aid to secure for them the advantages of the educational system maintained by the state, are left to the well intentioned but inadequate efforts of promiscuous, unorganized charities barely supported by spasmodic appeals to a busy public; and

WHEREAS, Such children are at best thereby equipped only for the harder walks of life and are given no opportunity to develop the latent powers which beyond question are the heritage of many; and

WHEREAS, These conditions and the lack of educational facilities afforded orphan children are opposed to the principles of an enlightened and progressive government; now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring, That the state board of education be and it is hereby directed to investigate the conditions surrounding and affecting the orphan children of this state, the education and training which they now receive, and to investigate and consider measures and ways and means to provide for their care, education and training by the state, and to make its written report thereon, with recommendations regarding and looking to the extension of the public school system of this state to include the education of orphans, and ways and means therefor, to the forty-first session of the legislature.

CHAPTER 51.

Senate Constitutional Amendment No. 13, a resolution proposing to the people of the State of California an amendment to section thirteen and one half of article XI of the constitution of the State of California, relating to the place of payment of bonds, and the interest thereon, of counties, cities and counties, cities, municipalities, irrigation districts, and other public corporations, and to the money in which such bonds and interest may be made payable.

[Filed with Secretary of State May 9, 1913.]

Constitutional amendment.

The legislature of the State of California, at its regular session, commencing on the 6th day of January, in the year one thousand nine hundred and thirteen, two thirds of all the members elected to each of the two houses of said legislature voting thereon, hereby proposes to the qualified electors of the State of California that section thirteen and one half of article XI of said constitution be amended so as to read as follows:

Place of payment of bonds and interest thereon.

Section 13½. Any county, city and county, city, town, municipality, irrigation district, or other public corporation, issuing bonds under the laws of the state, is hereby authorized and empowered to make said bonds and the interest thereon payable at any place or places within or outside of the United States, and in any money, domestic or foreign, designated in said bonds.

CHAPTER 52.

Senate Constitutional Amendment No. 15, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California by adding a new section to said constitution to be numbered section one a of article XIII thereof, relating to exempting certain property of educational institutions of collegiate grade from taxation.

[Filed with Secretary of State May 9, 1913.]

Constitutional amendment.

The legislature of the State of California at its regular session, commencing on the sixth day of January in the year nineteen hundred thirteen, two thirds of all the members elected to each of the two houses of the said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, the following amendment to the constitution of the State of California, by adding a new section thereto to be numbered one a of article XIII thereof, to read as follows:

Educational institutions exempt from taxation.

Section 1a. Any educational institution of collegiate grade within the State of California, not conducted for profit, shall hold exempt from taxation its buildings and equipment, its

grounds within which its buildings are located, not exceeding one hundred acres in area, its securities and income used exclusively for the purposes of education.

CHAPTER 53.

Senate Concurrent Resolution No. 16, relative to the appointment of a committee of the legislature to consist of three senators and three assemblymen, which committee shall have power to appoint an advisory committee of architects, sculptors and painters to constitute a commission with a view of reporting to the governor ways and means of improving the standard of architecture, sculpture and painting in the furnishing, decoration, repair and construction of all state, county, school and municipal buildings, grounds and public works throughout this state.

[Filed with Secretary of State May 9, 1913.]

WHEREAS, The state and various counties, municipality and school districts thereof have from time to time expended large sums of public moneys for the furnishing, decorating, repairing and construction of various public buildings, structures, works and grounds; and

Commission on
architecture,
sculpture,
and
painting.

WHEREAS, Said expenditures have in the past been made without reference to maintaining a definite high standard of architecture, sculpture, and painting; and

WHEREAS, The results obtained for such expenditures in many instances, from lack of proper advice or complete investigation, are inadequately planned and much below what the people of this civilized state are entitled to receive; and

WHEREAS, The State of California, with its rich heritage of climate and all inspiring scenery is pregnant with an art that should rival ancient Greece and Italy; and

WHEREAS, The citizens of this state by their labor and industry, and by the early establishment of an unequalled educational system have advanced to a culture which decries the unprofitable and unsightly perpetuation of the makeshifts and temporary and hasty structures which in pioneer times were necessary; and

WHEREAS, The citizens of this state are entitled to the development of standards of architecture, sculpture and painting equal to, if not better than, those existing in the eastern and middle western sections of these United States; and

WHEREAS, The state of Illinois, the city of New York and other states and municipalities have by the establishment of art commissions and other regulating bodies definitely taken steps to elevate and maintain such standards of architecture, sculpture and painting; now, therefore, be it

Resolved by the senate of the State of California, the assembly concurring, That a committee of three senators and three

To investigate state conditions.

holdover members of the assembly be appointed by the president of the senate and by the speaker of the assembly, which committee shall have power and it shall be its duty to appoint as advisory members thereof, three architects, a painter, a sculptor, and a lawyer, all of whom are known for their desire to improve standard of architecture, sculpture and painting, which committee shall constitute a commission to investigate and report to the governor, ways and means of improving and elevating throughout this state, the standard of architecture, sculpture, and painting on all state, county, school districts and municipal buildings, grounds and public works; and the furnishing, decorating and embellishment thereof; and be it further

Resolved, That said report together with the recommendations of said commission shall be filed with the governor at least forty days prior to the convening of the forty-first session of the California state legislature; and be it further

Resolved, That the investigations and report of said commission shall be conducted and made without expense to the state.

CHAPTER 54.

Senate Joint Resolution No. 16, relative to the historic liberty bell and requesting the common council of the city of Philadelphia to permit the exhibition of the same at the Panama-Pacific International Exposition.

[Filed with Secretary of State May 9, 1913.]

Liberty bell.

WHEREAS, The Panama-Pacific International Exposition will be held at San Francisco during the year 1915, in commemoration of the building of the Panama canal and the uniting of two great oceans; and

WHEREAS, All the nations of the world will be the guests of the State of California and of these United States upon that occasion; and

WHEREAS, It is eminently fitting and proper that there be meet and suitable recognition of the growth of this republic and of the spirit of its institutions; and

WHEREAS, It is further greatly to be desired as a deed of patriotism, to symbolize the union of the east and the west, of the old and the new; and

WHEREAS, There still exists the memorable bell which sounded the birth of this great nation and the declaration of its liberties; now, therefore, be it

Permission to bring to San Francisco asked.

Resolved by the senate and assembly jointly, That the legislature of the State of California does hereby respectfully urge and earnestly request the common council of the city of Philadelphia, State of Pennsylvania, to grant to the Panama-Pacific International Exposition committee permission to bring to San Francisco and to exhibit at the said exposition during

the year 1915, the historic liberty bell; and every precaution is hereby pledged for the safe transportation, careful preservation and prompt return of the same; and be it further

Resolved, That a copy of this resolution be forwarded to the common council of the city of Philadelphia of the State of Pennsylvania.

CHAPTER 55,

Senate Joint Resolution No. 23, relative to the establishment of a government owned line of steamships to operate between Pacific and Atlantic ports.

[Filed with Secretary of State May 9, 1913.]

WHEREAS, The shippers of the Pacific coast were for many years at the mercy of the transcontinental railroads in the matter of rates charged upon shipments to and from the Atlantic seaboard and eastern states; and

WHEREAS, These transcontinental railroads have attempted and now are attempting to secure an absolute monopoly of transportation facilities by destroying independent water competition via the Isthmus of Panama and by controlling existing lines of steamships; and

WHEREAS, This monopoly is now threatening to become absolute through the destruction of the California-Atlantic Steamship Company which was controlled by Henry Sears Bates and Arthur Sewall Chesebrough, worthy descendants of illustrious California pioneers; and

WHEREAS, The experience of the California-Atlantic Transportation Company has demonstrated the impossibility of a successful fight by individuals for an independent steamship line because of the sinister and powerful influences controlling the transcontinental railroads and steamship lines now operating; and

WHEREAS, It is vital to the commercial life of the Pacific coast and to the nation as a whole that competition be maintained against the transcontinental railroads and their steamship lines and that that competition be strong enough to withstand the ruthless tactics of organized wealth; and

WHEREAS, The construction of the great Panama canal will be a menace instead of a benefit to the people of the United States if the transcontinental railroads are allowed to maintain a monopoly of water competition; therefore, be it

Resolved, That the senate and assembly of the State of California jointly express their approval of a government owned and operated line of steamships to operate between Pacific and Atlantic ports via Panama; and be it further

Resolved, That the senate and assembly jointly request our senators and representatives in congress to use every possible and honorable influence toward the establishment of such a line.

Government
steamship
line
between
Atlantic
and
Pacific
approved.

CHAPTER 56.

Senate Joint Resolution No. 27, relative to the purchase by the United States of the Tioga road.

[Filed with Secretary of State May 9, 1913.]

State
highways.

WHEREAS, The State of California has by legislation and appropriations therefor, established, constructed and maintained a system of state highways, among which is a highway from Lake Tahoe to Placerville, a distance of sixty-two miles and a highway from Bridgeport in Mono county to Long Barn in Tuolumne county, a distance of seventy-eight miles, and known as the Sonora and Mono road and is now constructing a highway from said Lake Tahoe road to a point known as the junction on said Sonora and Mono roads, a distance of eighty-one miles, and has constructed a highway from the east end of the Tioga road to a point near Mono Lake and known as the Mono Lake Basin road, a distance of nine miles and there is now pending in this session of the legislature a bill for the construction of a state highway from Bridgeport to Independence, a distance of one hundred fifty miles, connecting with said Mono Lake Basin road, all of which roads are opened to travel of all kinds thereover; and

WHEREAS, There is now pending in congress a bill to purchase by the United States said Tioga road from its owners and to maintain the same by said government as a free public road for travel thereover, and which bill has been favorably acted upon by the committees in congress to which it had been referred; and

WHEREAS, Said Tioga road connects at Crockers with the Big Oak Flat road and if the purchase of said Tioga road be completed, and said road be maintained as a free public highway for travel it makes a complete highway system from Sacramento to Lake Tahoe, thence over the Alpine highways to Tioga, Yosemite Valley and San Francisco, traversing the Sierra Nevada mountains amid nature's most beautiful scenery; therefore, be it

Congress
urged to
purchase
Tioga
road.

Resolved by the senate and assembly jointly, That we request our senators and congressmen to use all honorable means to secure the early passage of said bill providing for the purchase of said Tioga road and an adequate appropriation to place and maintain the same in good condition to provide for free travel for all kinds of vehicles thereover; and be it further

Resolved, That the secretary of the senate be directed to send a copy of these resolutions to the president of the United States senate and the speaker of the house of representatives, and to each of our senators and representatives in congress.

CHAPTER 57.

Senate Joint Resolution No. 30, relative to memorializing the congress of the United States to initiate proceedings therein for the preparation of and submission to the several states of an amendment to the constitution of the United States placing women and men on an equality with respect to citizenship and the exercise of the elective franchise.

[Filed with Secretary of State May 9, 1913.]

WHEREAS, The right to equal privileges in the exercise of the elective franchise by women is fast being acknowledged by the people and accorded by the several states of the American Union; and

WHEREAS, The exercise of this privilege should not be restricted to states but should be as complete as that enjoyed by men; therefore, be it

Resolved by the senate and the assembly of the State of California, jointly, That the legislature of the State of California memorializes the congress of the United States to initiate proceedings therein for the preparation of and submission to the several states of an amendment to the constitution of the United States, placing women and men on an equality with respect to citizenship and the exercise of the elective franchise; and be it further

Resolved, That our senators in congress be instructed and our representatives in congress requested to use all honorable means to secure the object of this memorial; and be it further

Resolved, That the governor of the State of California be and he is hereby requested to transmit duly authenticated copies of this memorial to the president of the United States, the presiding officers of the two houses of congress, and to each of our senators and representatives in congress.

Congress requested to submit constitutional amendment placing women and men on basis of equality.

CHAPTER 58.

Senate Constitutional Amendment No. 17, a resolution proposing to the people of the State of California, an amendment to the constitution of the State of California, by adding a new section to article XIII thereof, to be designated as section four of said article XIII of the constitution of the State of California, relating to the exemption of vessels engaged in commerce from taxation.

[Filed with Secretary of State May 9, 1913.]

Resolved by the senate, the assembly concurring, That the legislature of the State of California, at its regular session, commencing on the sixth day of January, nineteen hundred thirteen, two thirds of all the members elected to each of the

Constitutional amendment.

houses of said legislature voting in favor thereof, hereby proposes to the electors of the State of California, that a new section be added to article XIII of the constitution of the State of California, to be known and designated as section four of article XIII of the constitution of the State of California, and to read as follows:

Vessels
exempt
from
taxation.

Section 4. All vessels of more than fifty tons burden registered at any port in this state and engaged in the transportation of freight or passengers, shall be exempt from taxation except for state purposes, until and including the first day of January, nineteen hundred thirty-five.

CHAPTER 59.

Senate Concurrent Resolution No. 18, a resolution relative to the adjournment sine die of the fortieth session of the legislature of the State of California, and fixing the date for said adjournment.

[Filed with Secretary of State June 2, 1913.]

Adjournment
sine die.

Resolved by the senate, the assembly concurring, That the fortieth session of the legislature of the State of California adjourn sine die at twelve o'clock m., Monday, May 12, 1913.

CHAPTER 60.

Senate Concurrent Resolution No. 26, approving a certain amendment to the charter of the city of Richmond in Contra Costa county in the State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the eighth day of April, 1913.

[Filed with Secretary of State June 2, 1913.]

Richmond
charter
amendment.

WHEREAS, The city of Richmond of the county of Contra Costa, State of California, has, and at all times mentioned herein, been, and now is, a municipal corporation of the State of California, containing a population of more than thirty-five hundred (3,500) inhabitants, and is now and has, ever since July 1st, A. D. 1909, been organized, existing and acting under a freeholders' charter, adopted under and by virtue of section 8, article XI, of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 9th day of February, A. D. 1909, and approved by the legislature of the State of California the 4th day of March, A. D. 1909 (Statutes of 1909, pages 1262 to 1281 inclusive), and

which charter has not been amended since its said adoption; and,

WHEREAS, The legislative authority of the said city of Richmond, to wit, the council of the said city of Richmond, did by resolution numbered 452 by it passed on the 24th day of February, A. D. 1913, and approved by J. C. Owens, mayor and chief executive of the said city of Richmond on the 24th day of February, 1913, and pursuant to section 8 of article XI of the constitution of the State of California, duly proposed to the qualified electors of said city, a certain amendment to said charter of the said city of Richmond; and,

WHEREAS, Said proposed amendment to said charter was duly published for ten days in the Richmond *Record-Herald*, a daily newspaper printed, published and generally circulated in the city of Richmond aforesaid; and,

WHEREAS, The city council of the said city of Richmond did thereafter, by ordinance duly adopted by said city council and approved by the mayor of said city, order the holding of a special municipal election in said city of Richmond on the 8th day of April, 1913, said day being not less than twenty days nor more than forty days after the completion of the publication of such proposal for ten times as aforesaid, and in said ordinance duly provided for the holding of said election; and,

WHEREAS, Said ordinance was duly published five times in a daily newspaper printed, published and circulated in said city of Richmond, said publication being completed prior to said election; and,

WHEREAS, All the requirements of section 8 of article XI of the constitution were observed; and,

WHEREAS, Said election was duly held on the 8th day of April, 1913, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify said proposed amendment to said charter; and,

WHEREAS, The said council of the said city of Richmond in accordance with the law in such case made and provided, did meet on Friday, the 11th day of April, 1913, at their usual time and place of meeting, and did duly canvass the returns of said election as certified by the election boards, and duly found, determined and declared that a majority of the qualified electors of said city voting thereon had voted for and ratified said proposed amendment to the charter of the said city of Richmond; and,

WHEREAS, The said amendment so ratified by the electors of the said city of Richmond at said municipal election of April 8th, 1913, is now submitted to the legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with the provisions of section 8 of article XI of the constitution of the State of California, is in words and figures as follows;

Richmond
charter
amend-
ment.

"ARTICLE III.

Tax levy.

Section 11. The council shall, by ordinance, provide for the assessment, levy and collection of taxes, and shall act as a board of equalization in equalizing the value of property listed upon the assessment roll. During the month of September in each year, it shall levy such tax as may be necessary to raise revenue for the maintenance of the city and the several departments during the fiscal year."

STATE OF CALIFORNIA,
CITY OF RICHMOND,
COUNTY OF CONTRA COSTA. } ss.

This is to certify that we, J. C. Owens, mayor of the city of Richmond, and A. C. Faris, clerk of the city of Richmond, have compared the foregoing proposed and ratified amendment to the charter of the city of Richmond, with the original resolution proposing such amendment and with the ordinance submitting the same to the qualified electors of the said city at a special municipal election called for that purpose on the 8th day of April, 1913, and find that the foregoing is a full, true and correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding such amendment to said charter are and each of them is true.

And for and on behalf of the said city, we being hereinbefore duly authorized, we do hereby request the legislature of the State of California to adopt and approve said amendment of the said charter and to take such other and further steps and proceedings as may be necessary to perfect such approval.

In witness whereof, we have hereunto set our hands and caused our signatures authenticated by the official seal of the said city to be hereunto attached this 12th day of April, 1913.

(SEAL.) J. C. OWENS,
Attest: Mayor of the City of Richmond.
A. C. FARIS,

City Clerk of the City of Richmond and
ex officio Clerk of the Council of the
City of Richmond.

Now, therefore, be it

Resolved by the senate of the State of California, the assembly thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendment to the said charter of the said city of Richmond, hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of the said city of Richmond, be, and the same is hereby approved for and as an amendment to and as part of said charter of the said city of Richmond.

Approval
by legis-
lature.

CHAPTER 61.

Senate Concurrent Resolution No. 27 approving four certain amendments to the charter of the city of Vallejo, in the county of Solano, State of California, voted for and ratified by the qualified electors of the said city of Vallejo, at the general municipal election held therein on the 15th day of April, 1913.

[Filed with Secretary of State June 2, 1913.]

WHEREAS, The city of Vallejo, in the county of Solano, State of California, contains a population of over ten thousand inhabitants and has been ever since the year of 1911 and is now, organized and acting under a freeholders' charter adopted under and by virtue of section 8, article XI, of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 21st day of February, 1911, and approved by the legislature of said State of California on the 11th day of March, 1911 (Statutes of 1911, pages 1958 to 2031, inclusive); and

Vallejo,
charter
amend-
ments.

WHEREAS, The city council of said city of Vallejo, did, by resolution adopted by said city council on the 10th day of March, 1913, and approved by the mayor of said city on the 10th day of March, 1913, and pursuant to said section 8, of article XI, of said constitution of the State of California, duly propose to the qualified electors of said city of Vallejo, five certain amendments, to the charter of said city to be submitted to said qualified electors at a general municipal election to be held in said city on the 15th day of April, 1913; and

WHEREAS, Said five proposed amendments were and each of them was, published for ten (10) times in a daily newspaper printed and published in said city, and of general circulation therein, to wit: The Vallejo *Daily Times*, said publication ending on the 28th day of March, 1913; and

WHEREAS, Thereafter the city council of said city, did, by ordinance which was duly adopted on the 8th day of April, 1913, and approved by the mayor on the 8th day of April, 1913, order the holding of a general municipal election in said city of Vallejo on the 15th day of April, 1913, which last named date was at least twenty (20) days after the publication of said proposed amendments, which had been published ten times as aforesaid, and did provide in said ordinance for the submission of said five proposed amendments to the said charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was published as required by law and the charter of said city, prior to the time appointed for the holding of such election in The Vallejo *Evening Chronicle*, a daily newspaper printed and published in said city; and

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of and did ratify four of said five proposed amendments, to wit: Numbers

Vallejo,
charter
amend-
ments.

one, two, four, and five, thereof, but did not ratify number three of said proposed amendments; and

WHEREAS, The city council of said city at a regular meeting thereof, held within four days after said election, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified each of said four of said proposed amendments, and rejected said number three; and

WHEREAS, The mayor and city clerk of said city did, on the 19th day of April, 1913, duly certify to the submission to the qualified electors of said city of said five proposed amendments to said charter and to the ratification of said four of such amendments, and did further certify to a copy of said four proposed amendments authenticated by the seal of said city of Vallejo, which said certificate is in the words and figures following, to wit:

STATE OF CALIFORNIA, }
COUNTY OF SOLANO, } SS.
CITY OF VALLEJO. }

We, the undersigned, W. J. Tormey, mayor of the city of Vallejo, State of California, and Alf. E. Edgcombe, city clerk of said city, do hereby certify and declare as follows:

That the city of Vallejo, in the county of Solano, State of California, contains a population of over ten thousand inhabitants, and has even since the year 1911, and is now organized and acting under a freeholders' charter, adopted under and by virtue of section 8 of article XI, of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city, at an election held for that purpose on the 21st day of February, 1911, and approved by the legislature of the state aforesaid, on the 11th day of March, 1911;

That the city council of the said city of Vallejo did by resolution adopted by said city council on the 10th day of March, 1913, and approved by the mayor of said city, on the 10th day of March, 1913, pursuant to section 8 of article XI of the constitution of said State of California, duly propose to the qualified electors of said city five certain amendments to the charter of such city to be submitted to said qualified electors at a general municipal election to be held in said city on the 15th day of April, 1913, and that the four of said amendments ratified as hereinafter set forth were and are in words and figures following, to wit:

Charter Amendment Number One.

That subdivision (2) of section 7 of article IV, of the charter of the city of Vallejo, relating to petition for recall, be amended so as to read as follows:

Petition for recall.

(2) A petition signed by qualified electors equal to twenty (20) per centum of the entire vote cast for all candidates for

Petition
for recall.

the office of mayor at the last preceding general municipal election at which a mayor was elected, demanding an election of a successor of the officer sought to be removed, shall be addressed to the council and presented to the city clerk. The petition may request that such election shall be held at a special municipal election or at the next general municipal election.

Charter Amendment Number Two.

That subdivision (39) of section 49 of article IX, of the charter of the city of Vallejo, relating to public entertainments, be amended, so as to read as follows:

Provision for public entertainments, advertising.

Public entertainments, promotion and advertising.

(39) To appropriate and spend money from the funds of the city for any or all of the following purposes:

(a) Reception and entertainment of public guests.

(b) Assistance of public celebrations held by the city at large.

(c) To aid in or carry on the work of inducing immigration, manufactories or other industries to the city.

(d) To exhibit manufactured and other products of the city.

(e) Generally for the purpose of advertising and promoting the interests of the city.

Provided, however, that the aggregate expenditures for all of said purposes shall not exceed in any fiscal year the sum of ten (10) cents on each one hundred (\$100) dollars valuation of the assessable property of the city of Vallejo.

Charter Amendment Number Four.

That article XIII, of the charter of the city of Vallejo, relating to the initiative, be amended so as to read as follows:

ARTICLE XIII.

The Initiative.

Preliminaries to filing petition.

Section 99. (1) The qualified electors of the city shall have power to propose by petition, and to adopt at the polls any ordinance which may be enacted under this charter. Such ordinance may be proposed by the filing with the city clerk a petition setting forth said ordinance in full signed by qualified electors of the city as many in number as hereinafter required, of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election.

Preliminaries to filing initiative petition.

Before any petition for such submission of a proposed ordinance shall be submitted for signatures, an affidavit in triplicate by or on behalf of its proponents shall be filed with the city clerk containing the following: Three copies of the proposed ordinance; a statement in not more than two hundred (200) words, giving the proponent's reasons for the adoption of such ordinance; a statement of the intention to secure the submission of said ordinance to a vote of the electors by an

initiative petition; and the address of the party making such affidavit. The council shall have five (5) days after the day of filing of such affidavit in which to formulate and send by registered mail to the address given in such affidavit a statement in not more than two hundred (200) words of the reasons why such proposed ordinance should not be adopted. These reasons for and against the adoption of the proposed ordinance shall be printed as a part of each individual certificate forming a part of the petition. The council shall also give a list of not more than three (3) places where copies of the individual certificates shall be deposited to receive signatures. These places shall be the city hall, public library, and the United States post office.

Upon expiration of the five (5) days last mentioned, the clerk shall cause to be published once a week for two (2) successive weeks, in one or more daily newspapers, a notice substantially in the following form:

NOTICE OF PETITION TO INVOKE INITIATIVE.

Notice of
petition.

Notice is hereby given that copies of individual certificates forming a petition to invoke the initiative to secure the adoption of an ordinance entitled (give name and purpose of proposed ordinance) will be deposited at the city hall, public library and United States post office to receive signatures. Registered voters who believe that said ordinance should be adopted may call at any one of the places above mentioned between the hours of ten a. m., and eight p. m., from (date) to (date) and sign a copy of said petition; and those registered voters in favor of upholding the council in their refusal to adopt said ordinance may also call at any of the places above mentioned and sign a petition in opposition to its adoption.

The statement filed with me giving grounds for such adoption is as follows:

(Copy of statement).

The statement filed with me justifying the council in its refusal to adopt the ordinance is as follows:

(Copy of statement).

(Signed) _____,
Clerk.

Dated _____

FORM AND CONDITION OF PETITIONS.

Form,
etc., of
petition.

(2) The initiative petition shall consist of individual certificates signed by qualified electors of the city, as many in number as hereinafter required. The form and conditions of each certificate and mode of certification and verification shall be substantially as follows:

(Individual Certificate.)

Petitions to the council relating to a proposed ordinance to: (The above heading must be printed in a type of a 24-point roman face, caps and lower case.)

(Here insert purport of ordinance.)

PROPONENT'S REASONS FOR ADOPTING ORDINANCE.

(Here insert such reasons.)

Form, etc., of petition.

COUNCIL'S REASONS FOR NOT ADOPTING ORDINANCE.

(Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit to the vote of the electors of the city of Vallejo, at a special municipal election (or general municipal election), that certain proposed ordinance entitled (here insert title of ordinance), to a copy of which this certificate is attached; unless said ordinance be passed by the council, without alteration, when and as provided in the charter of the city of Vallejo.

I further certify: That I have read the proposed ordinance and the above official reasons for and against the adoption of said ordinance and am in favor of its adoption; that I am a qualified elector of the city of Vallejo, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. _____ street, between _____ street and _____ street, in said city; and that my occupation is _____.

(Signed) _____

STATE OF CALIFORNIA, }
COUNTY OF SOLANO, } SS.
CITY OF VALLEJO. }

_____, being duly sworn, deposes and says: That he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____.

(Signed) _____

Verification Deputy (or notary public).

The petition of which this certificate forms a part shall, if found insufficient, be returned to _____, at No. _____ street, Vallejo, California.

(Below and on the same sheet of paper shall be printed the following):

I, the undersigned, hereby join in a petition to the council requiring that it shall not submit to the vote of the electors of the city of Vallejo, at a special municipal election (or general municipal election), that certain proposed ordinance entitled (here insert title of ordinance), to a copy of which this certificate is attached; that said ordinance shall not be adopted by the council, with or without alteration, when and as provided in the charter of the city of Vallejo.

I further certify: That I have read the proposed ordinance and the above official reasons for and against the adoption of said ordinance and am opposed to its adoption; that I am a qualified elector of the city of Vallejo, State of California; that

Form,
etc., of
petition.

I am not at this time a signer of any other like certificate; that I reside at No. _____ street, between _____ street and _____ street, in said city; and that my occupation is _____
(Signed) _____

STATE OF CALIFORNIA,
COUNTY OF SOLANO, }
CITY OF VALLEJO. } SS.

_____, being duly sworn, deposes and says: That he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____,
Subscribed and sworn to before me this _____ day of _____, 19____.
(Signed) _____,

Verification Deputy (or notary public).

The petition of which this certificate forms a part shall, if found insufficient, be returned to _____, at No. _____ street, Vallejo, California.

The provisions of subdivision 4, of section 7 of this charter, applying to recall petitions, shall apply to petitions filed under this article.

Copies prepared after the foregoing form shall be deposited by the clerk at all of the places mentioned in the "Notice of petition to invoke initiative" on or before ten a. m. of the first day following the first publication of said notice and allowed to remain there until 8 p. m., of the twentieth day thereafter, whereupon the clerk shall promptly collect all copies of the certificates and place same on file in the office of the council. It shall be unlawful for any signatures to be added to the petitions after the expiration of the time last mentioned. Within ten days after the date of filing such petitions, the clerk shall examine, and from the records of registration ascertain the total number of registered voters who have signed both the petitions for and against the proposition to invoke the initiative to secure the adoption of the ordinance.

Any signer of a petition may file with the clerk a verified revocation of his signature to such petition before the report of the clerk is presented to the legislative body, and such signatures shall be cancelled by the clerk.

As soon as the clerk has completed his examination he shall report to the legislative body at its next regular meeting, in writing, the number of signatures received for and against the adoption of the proposed ordinance at each place where copies of the individual certificates were deposited, also the total number received, respectively, in the entire municipality.

Twenty per cent petition.

(3) If it is found that the total number of registered voters who signed the petition for the adoption of the proposed ordi-

Twenty
per cent
must
sign.

nance is less than twenty (20) per cent of the entire number of voters voting at the last regular municipal election, for all the candidates for the office of mayor, or that the number of such signatures is less than the number of signatures petitioning against the adoption of the ordinance, then no further proceedings shall be taken hereunder.

If it is found that the total number of registered voters who signed the petition for the adoption of the proposed ordinance exceeds the total number who signed the petition against its adoption, and also exceeds in number twenty per centum of the entire vote cast at the last general municipal election for the office of mayor, then the legislative body shall forthwith call a special election to be held not less than thirty-five nor more than forty days after the date of the attachment of the certificate of sufficiency to the petition accompanying the ordinance, unless some general or special municipal election occurs not earlier than twenty (20) days and not later than ninety (90) days after the city clerk shall have attached such certificate of sufficiency, in which latter event said measure shall be voted on at such special or general municipal election, and unless the council shall have, prior to the time of calling such election, passed said ordinance without alteration. If the number of signatures of registered voters upon the petition against the adoption of the proposed ordinance shall have exceeded the number of signatures for the adoption of the ordinance, then the council shall not adopt the ordinance until the same shall have been submitted to a vote of the electorate at a subsequent election held under the provisions of this article.

Expense of printing.

(4) The expense of printing the petition shall be borne by the proponents of the ordinance; *provided, however*, that in the event of the final adoption of the ordinance by the electorate the said expense of printing shall be refunded from the general fund of the city.

Expense
of
printing.

Soliciting, signing and circulation.

(5) No person shall solicit for signers to the petitions on or about the premises where said petitions have been deposited to receive signatures.

Soliciting,
signing,
etc.

No individual certificate shall bear the signature of more than one signer, and petitions shall not be circulated in any manner or removed from the designated places where they have been deposited to receive signatures.

Measures to be mailed to voters.

(6) Whenever any ordinance is required under the initiative or referendum provisions of this charter to be submitted to the voters of the city at any election, the council shall cause the ordinance, together with such arguments for and against it as may have been printed on the individual certificates con-

Samples
mailed
to voters.

stituting the initiative or referendary petition to be printed, and it shall be the duty of the city clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least five (5) days prior to the election. The council may cause said ordinance to be printed once in a newspaper of general circulation published in the city one week preceding the date of such election.

Election.

Ballots. (7) The ballots used when voting upon such proposed ordinance shall set forth in full the title of the proposed ordinance and shall state the general nature of the proposed ordinance and shall contain the words "For the Ordinance" and Election. "Against the Ordinance." If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall take effect five (5) days after the declaration of the official canvass.

Several ordinances at one election.

Any number at one election. (8) Any number of proposed ordinances under the initiative and any number of ordinances under the referendum may be voted upon at the same election, in accordance with the provisions of this article.

Limit to special elections.

Limit to special elections. (9) There shall not be held under this article, more than one special election in any period of six months.

Competing and conflicting measures—Repeal.

Conflicting measures. (10) When there are two or more ordinances proposed to secure the same general purpose, the council shall so declare, and shall have the ballot so printed that the voter (first) can choose between any ordinance or none, and (second) can express his preference for any one. If a majority of the votes on the first question is affirmative, then the ordinance receiving the highest number of votes shall become law, and the others shall fail of passage. In case two or more ordinances are tied for the highest vote, they shall be resubmitted at the next ensuing general municipal election. If there is a conflict between two or more ordinances adopted at the same election, then the ordinance receiving the highest affirmative vote shall prevail. Repeal. No ordinance approved by the electorate under the provisions of this charter shall be amended or repealed except by vote of the electorate unless such ordinance shall otherwise provide.

Election is mandatory.

Election mandatory. (11) If any ordinance proposed by initiative petition or upon which a referendum vote is requested by petition, in accordance with the provisions of this charter, be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such ordinance has been submitted to a vote, and no bond issue or other ordinance proposed by the council shall be submitted to

the voters unless at the same election, or prior thereto, there shall be submitted to the voters the ordinance or ordinances upon which a vote is requested by petition if any vote be so requested and upon which a vote has not been taken at or within the time elsewhere specified in this charter. This section is prohibitory and mandatory.

Substantial compliance.

(12) A substantial compliance with the provisions of this article shall be sufficient for the holding of an election hereunder and the approval or rejection of any measure submitted thereat. Substantial compliance.

Further regulations.

(13) The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adopt the provisions of article III thereto. Further regulations.

Charter Amendment Number Five.

That subdivision (1) of section 100 of article XIV, of the charter of the city of Vallejo, relating to mode of protesting ordinances, be amended so as to read as follows:

ARTICLE XIV.

THE REFERENDUM.

Mode of protesting against ordinances.

Section 100. (1) No ordinance passed by the council shall go into effect before thirty days from the time of its final passage except when otherwise required by the general laws of the state or by the provisions of this charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a unanimous vote of the council; *provided*, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote provided in section 101. If during said thirty days a petition signed by qualified electors of the city equal in number to at least twenty per centum of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election, at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Protests against ordinances.

That said four proposed amendments were, and each of them was, published for ten (10) times in a daily newspaper printed

Protests
against
ordinances.

and published in said city and of general circulation therein, to wit: The Vallejo *Daily Times*, and that said publication ended on the 28th day of March, 1913;

That thereafter, the city council of said city did, by Ordinance No. 122 N. S., which was duly adopted on the 8th day of April, 1913, and approved by the mayor on the 8th day of April, 1913, order the holding of a general municipal election in said city of Vallejo, on the 15th day of April, 1913, which last named date was at least 20 days after the publication of said proposed amendments which had been published ten (10) times as aforesaid, and did provide in said ordinance for the submission of said five proposed amendments, to the the city charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was passed and approved as aforesaid and was published as required by law and the charter of said city;

That at said election a majority of the qualified electors voting thereon, voted in favor of the ratification and did ratify each and all of said five proposed amendments to the charter of said city of Vallejo, except such proposed amendment number three; and that said proposed amendment number three, did not receive a majority of the votes of the qualified electors voting thereon in favor of the ratification of said proposed amendments at said election;

That the city council of said city of Vallejo, at a regular meeting, and within four days after said election, and within the time and in the manner required by law and the charter of said city, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said four proposed amendments to said charter;

We do further hereby certify and declare that the copy of said proposed amendments to the charter of the city of Vallejo hereinbefore set forth is a full, true and correct copy of the said four certain proposed amendments to the charter of the city of Vallejo, which were, in the manner prescribed by law, submitted to the qualified electors of said city for their ratification and by them ratified at a general municipal election duly called and held in said city on the 15th day of April, 1913.

In witness whereof, we have hereunto set our hands and affixed the corporate seal of the city of Vallejo, this 19th day of April, 1913.

W. J. TORMEY,

Mayor of the City of Vallejo.

ALF. E. EDGCUMBE,

City Clerk of the City of Vallejo.

[SEAL]

AND, WHEREAS, The said four amendments so ratified as hereinbefore set forth have been duly presented and submitted to the legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with said section 8 of article XI. of the constitution of the State of California; now, therefore, be it

Resolved by the senate of said State of California, the assembly concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), That the said four amendments to the said charter of said city of Vallejo, hereinbefore set forth as presented, and as submitted to, and adopted and ratified by the qualified electors of said city be, and the same are hereby approved as a whole for, and as amendments to the said charter of the city of Vallejo.

Approved
by legis-
lature.

CHAPTER 62.

Senate Concurrent Resolution No. 29, relative to the appointment of a recreational inquiry committee for studying, investigating and reporting with recommendations upon recreation for both young and old in California, including recreation in rural communities as well as in small and large towns and cities.

[Filed with Secretary of State June 2, 1913.]

Resolved by the senate of the State of California, the assembly concurring, That a committee of seven persons, consisting of one member of the senate, and one member of the assembly, and five other persons, be appointed for the purpose of studying, investigating and reporting upon recreation for both young and old in California, including recreation in rural communities as well as in small and large towns and cities.

Committee
to investi-
gate
recreation
for young
and old.

The president of the senate shall appoint the senate member of said committee, and the speaker of the assembly shall appoint the assembly member of said committee, and the governor shall appoint the remaining five members of said committee, said five persons to be chosen for their knowledge or experience, or both, in public school work, in juvenile court work, in playground work, in public and private charities, and in police work, respectively. Such committee shall be appointed promptly; and the initial meeting thereof shall be called by the senate member of said committee, which shall thereupon choose from among its own members a chairman, a secretary and a treasurer.

Said committee shall make such study and investigation, and shall make such report on or before November 1, 1914, with such recommendation to the governor, to be transmitted to the next regular session of the legislature; and for the purpose of such study, investigation and report, such committee may solicit and receive gifts. The moneys received by such committee may be used to defray the expenses incurred by it in the performance of its duties in accordance with this resolution. The report to the governor herein mentioned shall be accompanied by a financial statement showing the amount of all moneys received and the disposition of the same.

CHAPTER 63.

Senate Concurrent Resolution No. 31, relative to leaves of absence for senators.

[Filed with Secretary of State June 2, 1913.]

Leaves of
absence
for
senators.

Resolved by the senate, the assembly concurring, That leave of absence from the State of California for a period not exceeding six months, during the term of office of the senators herein named, be and the same is hereby granted to said senators, viz: Senators John N. Anderson, J. L. Avey, D. J. Behan, Frank H. Benson, E. S. Birdsall, A. E. Boynton, A. H. Breed, William E. Brown, E. F. Bryant, Edwin M. Butler, A. Caminetti, A. E. Campbell, William J. Carr, George W. Cartwright, John J. Cassidy, Prescott F. Cogswell, P. C. Cohn, J. B. Curtin, Thomas F. Finn, William R. Flint, Lee C. Gates, Fred C. Gerdes, Edwin E. Grant, George J. Hans, Leslie R. Hewitt, Herbert C. Jones, L. W. Juilliard, William Kehoe, E. O. Larkins, Henry H. Lyons, D. W. Mott, James C. Owens, D. P. Regan, Benjamin F. Rush, J. B. Sanford, T. W. H. Shanahan, Edward K. Strobridge, Newton W. Thompson, Edward J. Tyrrell and Leroy J. Wright.

CHAPTER 64.

Senate Concurrent Resolution No. 33, relative to leaves of absence for certain state officials.

[Filed with Secretary of State June 2, 1913.]

Leaves of
absence
for A. B.
Nye and
R. E.
Collins.

Resolved by the senate of the State of California, the assembly concurring, That A. B. Nye, state controller, and R. E. Collins, a member of the state board of equalization, be and they are hereby granted permission to absent themselves from the State of California for a period not exceeding six months during the remainder of the term of office of each of the above named.

CHAPTER 65.

Senate Constitutional Amendment No. 16, a resolution proposing to the people of the State of California, an amendment to the constitution of the State of California, by adding a new section to article XI thereof, to be designated as section twenty, of said article XI, of the constitution of the State of California, relating to the taking of property for public use and additional property in excess thereof, and for the payment therefor.

[Filed with Secretary of State June 2, 1913.]

Constitutional
amendment.

Resolved by the senate, the assembly concurring, That the legislature of the State of California, at its regular session,

commencing on the sixth day of January, nineteen hundred thirteen, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, that a new section be added to article XI of the constitution of the State of California, to be known and designated as section twenty of article XI of the constitution of the State of California, and to read as follows:

Section 20. The state, or any county, city and county, or incorporated city or town, taking or appropriating property within the limits thereof for public use for any proposed public improvement, may also take and appropriate, under the powers of eminent domain, additional adjoining or neighboring property within the limits thereof, in excess of that actually to be devoted to or occupied by the proposed improvement, and such additional property so taken shall be deemed to be taken for public use. The estate in such additional property so taken shall be a fee simple estate, and such additional property may be sold, leased or otherwise disposed of, in whole or in part, under such terms and restrictions as may be appropriate to preserve or further the improvement made or proposed to be made. For the purpose of acquiring, constructing, enlarging or improving a public park, playground, boulevard, street, building or grounds therefor, any county, city and county, incorporated city or town may condemn lands outside of its boundaries and within the distance of ten miles therefrom, provided that no lands within any other county, city and county, incorporated city or town shall be taken without its consent, to be given in any manner that may be provided by law. The conditions under which such additional property may be taken or appropriated, the manner and method of providing payment therefor and the terms and restrictions under which such property may be sold, leased or otherwise disposed of, shall be prescribed by general law.

Property in excess of that required for public use may be taken.

CHAPTER 66.

Senate Constitutional Amendment No. 34, a resolution to propose to the people of the State of California, an amendment to the constitution of the State of California, by amending section eighteen of article XI thereof relating to restrictions on the power of counties, cities and other subdivisions of the state to incur indebtedness.

[Filed with Secretary of State June 2, 1913.]

The legislature of the State of California, at its regular session, commencing on the sixth day of January, 1913, two thirds of all of the members elected to each of the houses voting in favor thereof, hereby proposes to the qualified electors of the State of California an amendment to the constitution of the

Constitutional amendment.

State of California, by amending section eighteen of article XI thereof.

SECTION 1. Section eighteen of article XI is hereby amended to read as follows:

Restri-
tions on
power to
incur in-
debtedness.

Section 18. No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; *provided, however*, that the city and county of San Francisco may at any time pay the unpaid claims, with interest thereon at the rate of five per cent per annum, for materials furnished to and work done for said city and county during the forty-first, forty-second, forty-third, forty-fourth, and fiftieth fiscal years, and for unpaid teachers' salaries for the fiftieth fiscal year, out of the income and revenue of any succeeding year or years, the amount to be paid in full of said claims not to exceed in the aggregate the sum of five hundred thousand dollars, and that no statute of limitations shall apply in any manner to these claims; *and provided, further*, that the city of Vallejo, of Solano county, may pay its existing indebtedness, incurred in the construction of its waterworks, whenever two thirds of the electors thereof, voting at an election held for that purpose, shall so decide, and that no statute of limitations shall apply in any manner. Any indebtedness or liability incurred contrary to this provision, with the exceptions hereinbefore recited, shall be void. The city and county of San Francisco, the city of San Jose, and the town of Santa Clara may make provision for a sinking fund, to pay the principal of any indebtedness incurred, or to be hereafter incurred by it, to commence at a time after the incurring of such indebtedness of no more than a period of one fourth of the time of maturity of such indebtedness, which shall not exceed seventy-five years from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void; *and provided, further*, that the county of Alameda may, upon the assent of two thirds of the qualified electors thereof voting at an election to be held for that purpose, incur a bonded indebtedness of not to exceed one million dollars, and the legislative authority of said county of Alameda shall issue bonds therefor and grant and turn over to the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California, March 22, 1910, the proceeds of said bonds for stock in said company or under such other terms and conditions as said legislative authority may determine, the same

San
Francisco.

Vallejo.

San
Francisco,
San Jose,
and Santa
Clara.

Alameda.

to be used and disbursed by said exposition company for the purposes of an exposition to be held in the city and county of San Francisco to celebrate the completion of the Panama canal; said bonds, so issued, to be of such form and to be redeemable, registered and converted in such manner and amounts, and at such times not later than forty years from the date of their issue as the legislative authority of said county of Alameda shall determine; the interest on said bonds not to exceed five per centum per annum, and said bonds to be exempt from all taxes for state, county and municipal purposes, and to be sold for not less than par at such times and places, and in such manner, as shall be determined by said legislative authority; the proceeds of said bonds, when sold, to be payable immediately upon such terms or conditions as said legislative body may determine, to the treasurer of said Panama-Pacific International Exposition Company, upon demands of said treasurer of said exposition company, without the necessity of the approval of such demands by other authority, than said legislative authority of Alameda county, the same to be used and disbursed by said Panama-Pacific International Exposition Company for the purposes of such exposition, under the direction and control of said exposition company; and the legislative authority of said county of Alameda is hereby empowered and directed to levy a special tax on all taxable property in said county each year after the issue of said bonds to raise an amount to pay the interest on said bonds as the same become due, and to create a sinking fund to pay the principal thereof when the same shall become due.

CHAPTER 67.

Senate Constitutional Amendment No. 53, a resolution proposing to the people of the State of California an amendment to section nineteen of article XI of the constitution of the State of California, relating to the operation of public utilities by municipal corporations.

[Filed with Secretary of State June 2, 1913.]

The legislature of the State of California, at its regular session commencing on the sixth day of January, 1913, two thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that section 19 of article XI of the constitution of the State of California be amended to read as follows:

Section 19. Any municipal corporation shall have power to acquire by purchase, lease, condemnation or otherwise, in whole or in part, or to construct, and to own, maintain, equip and operate public utilities; and to grant franchises to persons, firms or private corporations to establish, equip, maintain and operate public utilities, upon such conditions and under such regulations as may be prescribed under the organic law of such

Constitutional amendment.

Cities may acquire, etc., public utilities.

municipality or otherwise by law. Any municipal corporation may furnish the product or service of any public utility conducted or operated by it to other municipal corporations and the inhabitants thereof, and to consumers and users outside of its limits.

CHAPTER 68.

Senate Joint Resolution No. 18, memorializing the congress of the United States for favorable consideration of the request of the legislature of the State of California, for investigations and surveys by the California debris commission under the provisions of an act of congress, approved March 1, 1893, to aid in the preparation and making of a report on a project for the relief from floods in the San Joaquin valley and the delta of the Sacramento and San Joaquin rivers and for improvements in aid of commerce and navigation.

[Filed with Secretary of State June 2, 1913.]

Relief
from
floods in
San
Joaquin
and Sac-
ramento
valleys.

WHEREAS, Conditions injuriously affecting vast areas of valuable land adjacent to, and the interests of commerce and navigation in, the river systems of the San Joaquin valley, within the power of the California debris commission to correct under the provisions of an act of congress, approved March 1st, 1893, creating said commission and defining its duties, are identical with those existing in the river systems of the Sacramento valley and require like remedial treatment; and

WHEREAS, The Sacramento and San Joaquin rivers, form a delta, common to both, and by connecting waterways, their flood waters mingle, frequently involving great damage to property and to navigation; and

WHEREAS, The work involved and plans contemplated in said rivers and said delta, under the requirements of said act, should be co-ordinated into one harmonious project; and

WHEREAS, The report of said commission made in accordance with the requirements of said act, including maps and containing a project together with estimate of the cost thereof, for the relief from floods in the Sacramento valley, transmitted to the congress of the United States by the secretary of war, June 25th, 1911, and approved and recommended by him for adoption by congress, now designated as House Document No. 81, sixty-second congress, first session, with such modifications therein as have since said last-named date been made and approved, applies only to the Sacramento river conditions, and said commission strongly urges "that work begin at once and provision be made for its early completion;" and

WHEREAS, As delay in treating these conditions in the river systems of the Sacramento valley, has greatly added to the injury done as well as to the cost of the proposed project, the same results will follow delay in treating like conditions in the river systems of the San Joaquin valley; and

WHEREAS, As investigations and surveys are required preliminary to the making of a report by said commission on said river systems in the San Joaquin valley, it is of the utmost importance that such investigations and surveys be commenced without unnecessary delay; and

WHEREAS, As said remedial work necessary in said river systems and said delta make the problem a vital one pressing for an early solution, the legislature of the State of California, has by appropriate legislation adopted the project contained in said report, has appropriated funds therefor and has in other ways indicated its willingness to co-operate with the United States, in furtherance of this great work; therefore, be it

Resolved by the senate and assembly of the State of California, jointly, That the legislature of the State of California, in regular session assembled, memorializes the congress of the United States, for such legislation and direction, as will provide for such investigations and surveys by the California debris commission under the provisions of said act, hereby hastening the preparation and making of the report on a project for the relief from floods in the San Joaquin valley and said delta and for improvements in aid of commerce and navigation; be it further

Surveys of San Joaquin Valley by California debris commission urged.

Resolved, That our senators and representatives in congress, be and they are hereby requested to use all honorable means to secure favorable consideration of this memorial; and be it further

Resolved, That duly authenticated copies of this memorial be transmitted by the governor of the State of California, to the senate and house of representatives of the United States, the secretary of war, the chief of engineers, United States army, the California debris commission, and to each of our senators and representatives in congress.

CHAPTER 69.

Senate Joint Resolution No. 19, memorializing the congress of the United States for favorable consideration of the project contained in the report of the California debris commission, relating to "control of floods in the river systems of the Sacramento valley and the adjacent San Joaquin valley, California."

[Filed with Secretary of State June 2, 1913.]

WHEREAS, The secretary of war, on the 29th day of June, 1911, submitted to the house of representatives of the United States, duly approved and recommended for adoption, the report of the California debris commission, relating to "control of floods in the river systems of the Sacramento valley and the adjacent San Joaquin valley, California," now known and designated as House Document No. 81, sixty-second congress, first session; and

Report of debris commission on floods in Sacramento and San Joaquin valleys.

WHEREAS, The approval of said report contains the suggestion "that work begin at once, and provision be made for its early completion"; and

WHEREAS, The construction and completion of the project proposed in said report is of vital importance to the people of this state and of the whole country; and

WHEREAS, The legislature of the State of California, in extraordinary session assembled, did by an act of said legislature adopt the project and recommendations set forth in said report of the California debris commission, and appropriate funds therefor, and has also in said act provided for co-operation between the State of California and the government of the United States in putting into effect the proposed project and recommendations; therefore, be it

Favorable
consideration
of
report
requested.

Resolved by the senate and assembly of the State of California, jointly, that the said legislature memorializes the congress of the United States for favorable consideration of the report of said California debris commission transmitted as aforesaid by the secretary of war to congress together with all modifications thereof as approved by the said commission, the secretary of war and chief engineers, and also for early action on appropriations to carry out the recommendations of said report and said project; be it further

Resolved, That duly authenticated copies of these resolutions be transmitted to the senate and house of representatives of the United States, the secretary of war, chief of engineers, and to each of our senators and representatives in congress; be it further

Resolved, That our senators in congress be instructed, and our representatives in congress requested, to use all honorable means to secure favorable action on said report and said project.

CHAPTER 70.

Senate Joint Resolution No. 34, relative to the amendment of the postal laws of the United States, to permit inspection and subsequent treatment or destruction of nursery stock, shrubbery, ornamental plants and fruits, upon arrival in the state to which it is consigned through the parcel post.

[Filed with Secretary of State June 2, 1913.]

Inspection
of nursery
stock, etc.,
sent by
mail.

WHEREAS, The present statutes of the United States prohibit any postmaster from delaying the delivery of any package or parcel or to open or inspect the same, and

WHEREAS, The new parcel post law is bringing into the several states nursery stock, shrubbery, ornamental plants, fruits, etc., in great quantities; and

WHEREAS, Our inspection officers are finding on some of these shipments serious insect and fungoid pests not yet in our state, which if introduced would do us incalculable damage; and

WHEREAS, Order 6696 of the United States postmaster general states that any postmaster "may" if requested inform the horticultural officer of any parcel of plants, trees or fruits received at his office and to whom delivered; and

WHEREAS, It is impossible to search out all of said importations for purpose of inspection; and

WHEREAS, It is imperative for the safety of the great fruit interests that there be thorough and universal inspection of all trees, plants and fruits received through the mails at the points of delivery; and

WHEREAS, This under the present law is entirely impossible; therefore, be it

Resolved by the senate of the State of California and the assembly, jointly, That congress be and hereby is requested to take immediate and necessary measures permitting and requiring the postmaster general of the United States to order all nursery stock, shrubbery, ornamental plants, fruits, etc., sent through the mails, to be forwarded to certain conveniently located points where they may be inspected, and if found free from injurious pests or diseases, to be repacked and remailed to the consignee. and if infected, to be treated and remailed, or destroyed; and be it further

Resolved, That our senators and representatives in congress be requested to use all honorable means to secure the action desired in this matter, for the purpose aforesaid; and be it further

Resolved, That a copy of these resolutions be forwarded to the president of the United States, the postmaster general, the secretary of agriculture, the secretary of the senate, the speaker of the house of representatives and to each of our senators and representatives in congress.

CHAPTER 71.

Senate Joint Resolution No. 35, relative to acquisition of title under homestead law.

[Filed with Secretary of State June 2, 1913.]

Be it resolved by the senate of the fortieth session of the legislature of California, and the assembly, jointly,

WHEREAS, Sections 2291 and 2297 of the revised statutes of the United States, regulating the acquisition of title to public lands under the homestead law, were amended by act of congress dated June 6, 1912 (37 Stats. 123); and

WHEREAS, The law now requires the cultivation of at least one sixteenth of the land entered before the expiration of two years from the date of entry, and the cultivation of at least one eighth thereof before the expiration of three years from the date of entry and thereafter until the submission of final proof; and

Acquisition
of title
under
homestead
law.

WHEREAS, There is no provision for the grazing of stock in lieu of cultivation on lands chiefly valuable for pasturage purposes; and

WHEREAS, Practically all the vacant lands within the Sacramento land district in the State of California are valuable only for grazing purposes and are not susceptible of cultivation; and

WHEREAS, The aforesaid vacant lands should be utilized under the homestead laws by those persons who have made or are entitled to make homestead entries;

Amendment of law to permit grazing in lieu of cultivation requested.

Now, therefore, in view of the foregoing we respectfully memorialize our senators and representatives in congress to use all honorable means in securing the enactment of such statute as will better adapt the homestead law to the character of the land still subject to entry and relieve many entrymen, who made their filings under the law as amended, under a misapprehension as to the requirements thereof, thereby promoting the settlement and development of the vast area of public land subject to entry if grazing of live stock be accepted in lieu of cultivation.

And be it further resolved, That copies of these resolutions be transmitted by telegraph to each of our senators and representatives in congress.

CHAPTER 72.

Senate Joint Resolution No. 40, relative to setting apart a district of land in Butte county, State of California, as a national park, and memorializing the congress of the United States to create such national park.

[Filed with Secretary of State June 2, 1913.]

National park in Butte county.

WHEREAS, There has been discovered in Butte county, State of California, a region of great waterfalls, imposing precipices and mammoth trees, including the famous Fall River falls, Bald Rock canyon and other points of interest; and

WHEREAS, One of these waterfalls alone has a drop of five hundred feet and others are of almost equal grandeur, thus entitling them to a place among the world's great falls; and

WHEREAS, Owing to the marvelous beauty of this whole region, a movement has been started to set this district apart for the people of the United States as a new wonderland and playground; and

WHEREAS, The territory, situated on the middle fork of the Feather river, included in the six square miles thus desired to be set apart, is now government land; now, therefore be it

Resolved by the senate and assembly of the State of California, jointly, That we hereby memorialize the congress of the United States to act favorably upon a certain petition numerously signed by citizens of the State of California

and of the United States, asking that the district hereinbefore described be set apart and established as a national park; and be it further

Resolved, That our senators be instructed and our representatives in congress be requested to use all honorable means necessary and appropriate to secure the enactment of the necessary legislation therefor; and be it further

Resolved, That the governor of the State of California be, and he is hereby requested to transmit a certified copy of these resolutions to the president of the senate of the United States and to the speaker of the house of representatives of the United States, and to each of our senators and representatives in congress.

CHAPTER 73.

Senate Joint Resolution No. 12, requesting the president of the United States to propose to the governments of the world the negotiation of an international congress for the conservation of wild life to be held during the session of the Panama-Pacific International Exposition.

[Filed with Secretary of State June 2, 1913.]

WHEREAS, The advance of civilization with the consequent closer occupation of the land and the more extensive exploitation of the native fauna for many purposes renders the protection and preservation of the wild life a problem of ever increasing importance and urgency; and

International congress for conservation of wild life.

WHEREAS, The interest in this problem is not confined to our own nation, but is shared, not only by the other North American countries, but by all the nations of the earth; therefore, be it

Resolved by the senate and assembly, jointly, That California does hereby request the president of the United States to propose to the governments of the world the negotiation of an international congress for the conservation of wild life, to be held during the session of the Panama-Pacific International Exposition in San Francisco in 1915.

CHAPTER 74.

Assembly Concurrent Resolution No. 14, relative to the appointment of a committee to consider the advisability and to suggest plans for the creation of a state industrial farm for state prisoners.

[Filed with Secretary of State June 2, 1913.]

Resolved by the assembly of the State of California, the senate concurring, That a committee consisting of three members of the senate and three members of the assembly be appointed for the purpose of ascertaining the advisability of

Committee on state industrial farm for prisoners.

the state maintaining a state industrial farm for state prisoners, to be used in connection with the state prisons, and with a view to transferring thereto from the present state prisons all prisoners whose conduct shall warrant promotion by the state board of prison directors. It is the purpose that different kinds of trades shall be taught and that this farm shall be used as an adjunct to the present state prison. This committee shall make a thorough investigation of this matter and report back with recommendations to the forty-first session of the legislature. The president of the senate shall appoint the senate members of said committee and the speaker of the assembly shall appoint the assembly members of said committee.

The members of said committee shall receive no compensation for their services, but shall be allowed all expenses necessarily incurred in the performance of their duties.

CHAPTER 75.

Assembly Concurrent Resolution No. 17, a resolution recommending the calling of a convention for the revision of the constitution of the State of California, recommending that the electors of the state vote at the next general election for the calling of a convention to revise the constitution, and to provide the number and qualification, compensation, and manner of electing the delegates to such convention.

[Filed with Secretary of State June 2, 1913.]

Conven-
tion to
revise
state con-
stitution.

Resolved by the assembly, the senate concurring, That the legislature of the State of California, at its regular session, commencing on the sixth day of January, one thousand nine hundred and thirteen, two thirds of all the members elected to each house concurring, hereby recommend that the electors of the state vote at the next general election upon the proposition to call a convention to revise the state constitution, such proposition to read as follows:

SECTION 1. Two thirds of the members elected to each branch of the legislature for the fortieth session of the legislature of the State of California, commencing on the sixth day of January, one thousand nine hundred and thirteen, do hereby recommend to the electors of the state to vote at the next general election for or against a convention for the purpose of revising the constitution of the state. Such vote to be taken for the reason that two thirds of the members of each branch of the legislature, at said regular fortieth session, deem it necessary to revise such constitution. At such next general election the ballot used shall, in addition to the other names and matters required by law to be printed thereon, contain the words "For the Convention," and the words "Against the Convention," written or printed thereon in a suitable place, with the appropriate space for each elector to designate his intention with respect to such proposition. The election

officers at each and every voting precinct in the state shall make and ascertain, and make returns of the number of votes cast in favor of a convention, and the number of votes cast against a convention, as aforesaid, in like manner and with the same particularity as other votes are required by law to be counted and returned, and an abstract thereof shall be transmitted by each and every county clerk of the state, and each and every registrar of voters in any county, or city and county, of the state, to the secretary of state, in the same manner, and within the same time, that votes for state officers are now by law required to be transmitted.

SEC. 2. The secretary of state shall have authority to compel the mailing of such returns, and when received, shall prepare and lay before the governor of the state a complete abstract of the whole number of votes cast "for" and "against" a convention. If it shall appear from the returns of the county clerks and registrar of voters that a majority of the electors voting at such general election on the proposition for a convention shall have voted in favor of calling such convention, it shall be the duty of the governor to forthwith issue his proclamation, announcing the fact that such convention has been called; and thereupon, it shall be the duty of the legislature at its session next after such election, to provide by law for the election of delegates to such convention, and for the holding thereof at the state capitol. Such convention to meet within three months from the date of the election calling it, and shall continue in session until it shall have completed the work of revision, and provided for submitting the same to the electors for approval or rejection.

CHAPTER 76.

Assembly Concurrent Resolution No. 23, relative to the mailing of copies of all acts passed and approved, relating to courts, judicial officers and amendments to codes to each judge of superior courts, district attorneys and county clerks of the counties and city and counties of the state.

[Filed with Secretary of State June 2, 1913.]

Resolved by the assembly, the senate concurring, That the secretary of state be and he is hereby instructed, to mail to each of the judges of the superior courts, the district attorneys and the county clerks, of the counties and the city and counties, of this state copies of each act referring to courts of justice, or to the judicial officers of this state or counties therein, or, which amends either of the codes of this state, as soon as practicable after the same are signed by the governor.

Secretary of state instructed to mail copies of acts, etc., to judges, etc.

And further, that the state printer is hereby directed to deliver to the secretary of state, for the purposes aforesaid, two hundred and fifty (250) copies of each of said acts.

CHAPTER 77.

Assembly Concurrent Resolution No. 31, relative to the appointment of an advisory committee to confer with the state engineer and the state board of control regarding state roads.

[Filed with Secretary of State June 2, 1913.]

Legislative
advisory
committee
on state
highways.

Resolved by the assembly, the senate concurring, That an advisory committee consisting of two members of the assembly and two members of the senate be appointed to confer with the state engineer and the state board of control regarding location, construction and maintenance of state roads other than state highways constructed under and by virtue of the "state highway act" of California and to report back with recommendations to the forty-first session of the legislature. The speaker of the assembly shall appoint the assembly members of the committee and the president of the senate shall appoint the senate members of the committee.

Resolved, That the sum of fifteen hundred dollars is hereby made available for the purpose of defraying the expenses of such committee; one half of the amount to be paid from the contingent fund of the assembly, and one half to be paid from the contingent fund of the senate, and the state controller is hereby authorized and directed to draw his warrant in favor of the chairman of said joint committee for such expenditures as the same may be certified to him from time to time by the chairman of said committee, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 78.

Assembly Concurrent Resolution No. 32, approving a certain amendment to the charter of the city of San Bernardino in the county of San Bernardino, State of California, voted for and ratified by the qualified electors of said city of San Bernardino, at a special municipal election held therein on the 18th day of April, 1913.

[Filed with Secretary of State June 2, 1913.]

San
Bernardino
charter
amendment.

Certificate of the chief executive and city clerk of the city of San Bernardino, State of California, as to the adoption and ratification of a certain amendment to the charter of said city of San Bernardino submitted to the qualified electors of said city on the 18th day of April, A. D. 1913.

PREAMBLE.

Be it known that,

WHEREAS, The city of San Bernardino, of the county of San Bernardino, State of California, has at all times mentioned herein been and now is a municipal corporation of said State

of California, containing a population of more than thirty-five hundred (3,500) inhabitants, and is now, and has been ever since the 8th day of February, 1905, organized and existing and acting under a freeholders' charter adopted under and by virtue of section 8 article XI of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 6th day of January, 1905, and approved by the legislature of the State of California, on the 8th day of February, 1905, (Stats. 1905, page 940, *et seq.*); and

San Bernardino
charter
amend-
ments.

WHEREAS, The mayor and common council of said city of San Bernardino did by resolution designated as "Resolution No. 593" adopted by said mayor and common council on the 17th day of March, 1913, and approved by the mayor of said city on the 17th day of March, 1913, and pursuant to section 8 of article XI of the constitution of the State of California, duly propose to the qualified electors of said city of San Bernardino a certain amendment, hereinafter set forth, to the charter of said city to be submitted to said qualified electors at a special municipal election to be held in said city on the 18th day of April, 1913; and

WHEREAS, Said resolution and said certain proposed amendment hereinafter set forth was published for ten (10) times in a daily newspaper, printed and published in said city and of general circulation therein, to wit: in the San Bernardino *Daily Sun*, said publication ending on the 28th day of March, 1913; and

WHEREAS, Thereafter the mayor and common council of said city did by an ordinance designated "Ordinance No. 516" which was duly passed and adopted on the 17th day of March, 1913, and approved by the mayor of said city on said last mentioned date, call and order the holding of a special municipal election in the city of San Bernardino on the 18th day of April, 1913, which said last mentioned date was at least twenty (20) days and not more more than forty (40) days after the completion of the publication of such resolution and proposed amendment to said charter for ten (10) times in said San Bernardino *Daily Sun*, a daily newspaper of general circulation, printed, published and circulated in said city, and which said ordinance calling such special election specified and ordered and ordained that said proposed amendment be submitted to the qualified electors of said city at said special election for ratification or rejection, and designated the time of such election and established election precincts, and designated the polling places therein, and the names of the election officers for each such precinct, and which said ordinance was published five (5) times in said San Bernardino *Daily Sun*, the last date of such publication being on the 23d day of March, 1913, and which said ordinance was approved by the mayor of said city on the 17th day of March, 1913; and

WHEREAS, Said amendment was duly submitted to the qualified electors of said city of San Bernardino at said special

San
Bernardino
charter
amend-
ments.

election held on said 18th day of April, 1913, which said special election was held not less than twenty (20) days nor more than forty (40) days after the completion of the publication of such proposal for ten (10) times in said daily newspaper; and

WHEREAS, In and by said ordinance and said resolution so passed, approved and published as aforesaid, said proposed amendment was submitted to the qualified electors of said city at said special municipal election; and

WHEREAS, On the 21st day of April, 1913, at a meeting of said mayor and common council of said city of San Bernardino, duly convened in accordance with law and with the provisions of said charter of said city, said mayor and common council of said city of San Bernardino did duly and regularly canvass the returns of said special municipal election so held on the 18th day of April, 1913, and did find thereon that said proposed amendment to said charter, hereinafter particularly set forth, was duly ratified by the majority of the electors voting thereon; and

WHEREAS, Said mayor and common council after canvassing said returns and at said meeting so held as aforesaid, after said canvass, did duly find and declare that said proposed amendment had been ratified and adopted by the majority of the electors voting thereon; and

WHEREAS, Said amendment so ratified by the electors of said city of San Bernardino at said special municipal election held on the said 18th day of April, 1913, is now submitted to the legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of section 8 of article XI of the constitution of the State of California; and

WHEREAS, No other proposed amendment to said charter had been submitted to the electors of said city of San Bernardino within two (2) years immediately prior to said 18th day of April, 1913;

Now, therefore, the undersigned, J. S. Bright, the mayor and chief executive of the city of San Bernardino, and S. G. Batchelor, city clerk and clerk of the mayor and common council of said city, authenticating their signatures with the official seal of said city, do hereby certify that said amendment to said charter of said city so ratified by the majority of the electors voting thereon at said special municipal election, held on the 18th day of April, 1913, as submitted to said electors is in the words and figures as follows, and is and shall, if so approved by said legislature, be in the words and figures following, to wit:

It is hereby proposed that section 133 of the charter of said city be amended so as to read as follows:

Section 133. Whenever the mayor and common council shall, by ordinance or resolution, determine that the public interest or necessity demands the acquisition, construction or

completion of any municipal improvement, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the city, they are hereby given the power and authority to call a special election and submit to the qualified voters of the city the proposition of incurring indebtedness to pay the cost of such improvement set forth in said ordinance or resolution. If said proposition be accepted by a two-thirds vote of the qualified electors voting at such election, the mayor and common council may issue and dispose of bonds of said city in evidence of said indebtedness. But the city or municipal corporation of San Bernardino shall not incur any indebtedness for public improvements which shall in the aggregate exceed fifteen (15) per cent of the assessed value of all the real and personal property of such city or municipal corporation. In all other respects not herein provided for, the procedure for calling and holding such elections and the issuance of bonds shall be governed by general law of the State of California applicable to cities of the fifth class.

Special
election
on incur-
ring in-
debtedness
for public
improvements.

The amendment herein proposed shall be known and designated as "Proposed charter amendment number one," and if ratified by the electors voting at said special election, shall be in force and take effect immediately after its approval by the legislature of the State of California.

And the said J. S. Bright, as mayor and chief executive of said city, and S. G. Batchelor, as clerk of said city and of the mayor and common council of said city, do hereby further certify that they have this day carefully compared the foregoing proposed and ratified amendment to the charter of said city of San Bernardino with the original submission thereof, and with said resolution No. 593, and with said Ordinance No. 516, submitting the same to the qualified electors of said city at a special municipal election held in said city on the 18th day of April, 1913, and with the proceedings of the council of said city, on file and of record in the office of said clerk, subsequent to the passage of said ordinance and resolution, and from said comparison and examination they find, and hereby certify, that the foregoing contains a true, full, exact and correct copy of said charter amendment to said charter of said city of San Bernardino, so ratified as aforesaid.

And we further hereby certify that the facts set forth in the preamble of this certificate preceding said amendment to said charter are and each of them is true.

And, for and on behalf of said city, we, being hereinbefore duly authorized, do hereby request the legislature of the State of California to adopt said amendment to said charter as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

In witness whereof, we have hereunto set our hands and

caused our signatures, authenticated by the official seal of said city, to be hereunto attached, this 21st day of April, 1913.

[SEAL.]

J. S. BRIGHT,
Mayor and Chief Executive of the City
of San Bernardino.

Attest:

S. G. BATCHELOR,
City Clerk of the City of San Bernardino,
and Clerk of the Mayor and Common
Council of said City of San Bernardino.

Now, therefore, be it

Resolved, by the assembly of the State of California, the senate thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein). That the said amendment to the said charter of said city of San Bernardino, herein set forth, as presented and submitted to, and adopted and ratified by the qualified electors of said city of San Bernardino, be, and the same is hereby approved as a whole for and as an amendment to and as part of said charter of said city of San Bernardino.

Approval
by legis-
lature.

CHAPTER 79.

Assembly Concurrent Resolution No. 34, approving a certain amendment to the charter of the city of Alameda, in Alameda county, California, voted for and ratified by the qualified electors of said city, at a general municipal election held therein on the fourteenth day of April, one thousand nine hundred and thirteen.

[Filed with Secretary of State June 2, 1913.]

Alameda
charter
amend-
ment.

WHEREAS, The city of Alameda, in the county of Alameda, State of California, contains a population of over ten thousand inhabitants, and has been ever since the year one thousand nine hundred and seven and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose in manner, form and substance as required by law, and approved by the legislature of the State of California, and said charter has not been amended at any time less than two years; and

WHEREAS, The legislative body and authority of the city of Alameda, in Alameda county, California, that is to say, the council of the city of Alameda, did, by resolution passed and adopted by said council on the eighteenth (18th) day of February, one thousand nine hundred and thirteen, and approved by the mayor of said city subsequently thereto, and on the eighteenth (18th) day of February, one thousand nine hundred and thirteen, and pursuant to section 8 of article XI of the constitution of the State of California, duly propose to the qualified electors of said city of Alameda a

certain amendment to the charter of the said city of Alameda, to be submitted to the said qualified electors at a general municipal election to be held in said city on the fourteenth (14th) day of April, one thousand nine hundred and thirteen, which said amendment was and is in the words and figures following, to wit:

SECTION 1. There shall be a health department under the management of a board of health. Said board of health shall consist of five members who shall be appointed by the council, and of whom at least one shall be a physician, duly licensed under the laws of the State of California. One may be appointed from among the councilmen. The members of the board as such shall serve without compensation. They shall hold office for the term of five years and until their successors are appointed and qualified; *provided*, that the members of the board first appointed shall at their first meeting so classify themselves that they shall go out of office at the expiration of one, two, three, four and five years respectively; and

WHEREAS, Said proposed amendment was published in a daily newspaper of general circulation, printed, published and circulated in said city, to wit: *The Evening Times-Star and Alameda Daily Argus* for ten (10) times; and

WHEREAS, Thereafter the said council of the city of Alameda, did, by resolution and proclamation, which was duly passed and adopted by said council on the eighteenth (18th) day of March, one thousand nine hundred and thirteen, order the holding of a general municipal election in said city of Alameda, in the county of Alameda, California, on the fourteenth (14th) day of April, one thousand nine hundred and thirteen (which last named day was not less than twenty (20) days, nor more than forty (40) days after the completion of the publication of said proposed amendment for ten (10) times in said daily newspaper of general circulation, printed, published and circulated in said city, to wit: *The Evening Times-Star and Alameda Daily Argus*), and did provide in said resolution and proclamation for the submission of said proposed amendment to the said charter to the qualified electors of said city, for their ratification at said general municipal election, which said resolution and proclamation was approved by the mayor of said city on the nineteenth (19th) day of March, one thousand nine hundred and thirteen, and was published in the manner and for the time required by law; and

WHEREAS, Said amendment was submitted as aforesaid to the qualified electors of said city, at said general municipal election, previously duly called and thereafter held therein (not less than twenty (20) days, nor more than forty (40) days after the completion of the publication of said proposed amendment for ten (10) times in a daily newspaper of general circulation, printed, published and circulated in said city, to wit: *The Evening Times-Star and Alameda Daily Argus*), on the fourteenth (14th) day of April, one thousand nine hundred and thirteen.

WHEREAS, At such general municipal election more than a majority of the qualified electors voting thereon at such general municipal election, did vote in favor of and in favor of the ratification of and did ratify said proposed amendment to said charter; and

WHEREAS, The said council of the city of Alameda, in county of Alameda, California, at a meeting thereof held on Monday, the twenty-first (21st) day of April, one thousand nine hundred and thirteen, duly canvassed the returns of said election, and duly found, determined and declared that more than a majority of such qualified electors voting thereon at said election, had voted for and ratified said proposed amendment to said charter.

STATE OF CALIFORNIA, }
 COUNTY OF ALAMEDA, } SS.
 CITY OF ALAMEDA. }

Certificante.

This is to certify that we, Frank Otis, mayor of the city of Alameda, and T. C. Coughlin, clerk of the city of Alameda, have compared the foregoing proposed and ratified amendment to the charter of the city of Alameda with the original resolution and proclamation proposing such amendment and submitting the same to the qualified electors of said city of Alameda, at a general municipal election called for that purpose, on Monday, the fourteenth (14th) day of April, one thousand nine hundred and thirteen, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter and the matters set forth herein, are and each of them is true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the city of Alameda to be attached, this 26th day of April, one thousand nine hundred and thirteen.

[SEAL.]

FRANK OTIS,
 Mayor of the City of Alameda.
 T. C. COUGHLIN,
 City Clerk of the City of Alameda.

AND, WHEREAS, The said proposed amendment so ratified as hereinbefore set forth, has been duly presented and submitted to the legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California, now therefore, be it

Resolved by the assembly of the State of California, the senate concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), That the proposed amendment to the city charter of the city of Alameda as hereinabove set forth, as presented and submitted to and adopted and ratified by the qualified electors of said city, be, and the same is hereby approved, for and as an amendment to the city charter of the city of Alameda.

Approval
 by legis-
 lature.

CHAPTER 80.

Assembly Concurrent Resolution No. 36, relative to granting to the governor, lieutenant governor and the members of the senate and assembly of the fortieth session of the legislature of the State of California the privilege to absent themselves from the state for a period of more than sixty days.

[Filed with Secretary of State June 2, 1913.]

Resolved by the assembly of the State of California, the senate concurring, That leave of absence from the state for a longer period than sixty days, during their term of office, is hereby granted to his excellency, Hiram W. Johnson, governor of the State of California, lieutenant governor, A. J. Wallace, of the State of California, and the following members of the assembly and senate of the fortieth session of the legislature of the State of California, said leave of absence to take effect after the adjournment of said session:

Leave of
absence
granted
governor,
etc.

Alexander, John K.; Ambrose, Thomas L.; Bagby, Henry C.; Beck, George; Benedict, Henry S.; Bloodgood, F. H.; Bohnett, L. D.; Bowman, D. D.; Bradford, Hugh B.; Brown, Henry Ward; Bush, William B.; Byrnes, Charles W.; Canepa, Victor J.; Cary, L. B.; Chandler, W. F.; Clark, William C.; Clarke, Geo. A.; Collins, William M.; Cram, James E.; Dower, Will A.; Ellis, William H.; Emmons, Elijah A.; Farwell, Lyman; Ferguson, Daniel; Finnegan, George B.; Fish, Howard J.; Fitzgerald, George; Ford, John J., Jr.; Gabbert, Thomas G.; Gates, Egbert J.; Gelder, George; Green, A. B.; Griffin, J. J.; Guiberson, J. W.; Guill, John H., Jr.; Hayes, D. R.; Hinkle, E. C.; Inman, J. M.; Johnson, George H.; Johnston, T. D.; Johnstone, W. A.; Judson, Fred E.; Killingsworth, W. S.; Kingsley, C. W.; Kuck, Arthur G.; Libby, G. W.; McCarthy, Wm. C.; McDonald, Walter A.; Moorhouse, H. W.; Morgenstern, Alfred; Mouser, Frank H.; Murray, J. A.; Nelson, H. C.; Nolan, Edward J. D.; Palmer, James M.; Peairs, Howard A.; Polsley, Harry; Richardson, I. A.; Roberts, W. A.; Ryan, James J.; Schmitt, Milton L.; Scott, Wm. S.; Shannon, Arthur L.; Shartel, A. F.; Shearer, William B.; Simpson, William E.; Slater, H. W.; Smith, Frank M.; Strine, John H.; Stuckenbruck, J. W.; Sutherland, W. A.; Tulloch, David W.; Wall, W. C.; Walsh, Edward P.; Weisel, Hans V.; Weldon, T. J.; White, C. William; Woodley, Frank E.; Wyllie, G. W.; Young, C. C.

SENATORS.

Anderson, John N.; Avey, J. L.; Beban, D. J.; Benson, Frank H.; Birdsall, E. S.; Boynton, A. E.; Breed, A. H.; Brown, William E.; Bryant, E. F.; Butler, Edwin M.; Caminetti, A.; Campbell, A. E.; Carr, William J.; Cartwright, Geo. W.; Cassidy, John J.; Cogswell, Prescott F.; Cohn, P. C.; Curtin, J. B.; Finn, Thos. F.; Flint, William R.; Gates, Lee C.; Gerdes, Fred C.; Grant, Edwin E.; Hans, Geo. J.; Hewitt, Leslie R.; Jones, Herbert C.; Juilliard, L. W.; Kehoe, William;

Larkins, E. O.; Lyon, Henry H.; Mott, D. W.; Owens, James C.; Regan, D. P.; Rush, Benjamin F.; Sanford, J. B.; Shanahan, T. W. H.; Strobbridge, Ed. K.; Thompson, Newton W.; Tyrrell, Edward J.; Wright, Leroy A.

CHAPTER 81.

Assembly Concurrent Resolution No. 38, relative to the appointment of a juvenile court inquiry committee, for studying, investigating and reporting upon the problems of administration of juvenile courts in California, and the problems of dependency and delinquency, both as to cause and as to effect, and the need, if any, of amending the juvenile court law.

[Filed with Secretary of State June 2, 1913.]

Committee
to investi-
gate
juvenile
courts.

Resolved by the assembly of the State of California, the senate concurring, That a committee of seven persons be appointed, consisting of one member of the senate, and one member of the assembly, and five other persons, for the purpose of studying, investigating and reporting upon the problems of administration of juvenile courts in California, and the problems of dependency and delinquency, both as to cause and as to treatment, and the need, if any, of amending the present juvenile court law.

The president of the senate shall appoint the senate member of said committee, and the speaker of the assembly shall appoint the assembly member of said committee, and the governor shall appoint the remaining five members of said committee, so as to represent, as far as possible, all parties concerned in the problem of the child in the State of California.

Said committee shall make such study and investigation and report from time to time to the governor and on or before the first day of November, 1914, shall make a final report to the governor, to be transmitted to the next regular session of the legislature. For the purpose of such study, investigation and report, such committee may solicit and receive gifts. All moneys received under this concurrent resolution shall be used by said committee for the purposes above set forth, and in such report said committee shall give a detailed account of all receipts and expenditures.

CHAPTER 82.

Assembly Concurrent Resolution No. 39, relative to the proposed transcontinental tour under the auspices of the Indiana Automobile Manufacturers' Association.

[Filed with Secretary of State June 2, 1913.]

WHEREAS, It is announced that the Indiana Automobile Manufacturers' Association is planning a transcontinental

tour to the Pacific coast, starting from the city of Indianapolis on July 1, 1913; and

Transcontinental tour by Indiana Automobile Manufacturers' Association.

WHEREAS, Such transcontinental tour is being arranged on a magnificent scale and will be in the nature of a pathfinding tour for the proposed ocean-to-ocean highway; and

WHEREAS, Because of the publicity attending such a tour and because of the public interest aroused through its promotion by the united action of the automobile manufacturers of the state of Indiana, the accomplishment of the tour will give great impetus to the movement for a permanent ocean-to-ocean highway; and

WHEREAS, The State of California is vitally interested in such a highway which will cross its entire breadth, opening up as it will a new avenue to the state's wonderful resources, linking anew the Atlantic and the Pacific, and ever encouraging the "star of empire" on its westward way; therefore,

Resolved by the assembly, the senate concurring, That cordial approval of the plan and purpose of said transcontinental tour as arranged by the Indiana Automobile Manufacturers' Association be and is hereby heartily expressed; and further

Welcome extended.

Resolved, That the citizens of the State of California be and are hereby requested to extend warm welcome and hospitality to the members of the tour and to furnish them all information and guidance necessary to make their trip across the State of California as enjoyable as possible; and further

Resolved, That a copy of this resolution be sent to the Honorable John Guy Moniham of Indianapolis, Indiana; to the Hoosier Motor Club of Indianapolis; and to the Indiana Automobile Manufacturers' Association.

CHAPTER 83.

Assembly Concurrent Resolution No. 40, relative to setting aside for aquatic sports certain submerged lands lying along the water front of the city and county of San Francisco.

[Filed with Secretary of State June 2, 1913.]

WHEREAS, The proposed extension of the Belt railroad along the water front of the city and county of San Francisco across the water lots of Jefferson street to the United States transport docks will wipe out the boat clubs at the foot of Van Ness avenue by reason of their being shut off from open water; and

Site for aquatic sports in San Francisco bay.

WHEREAS, It is the sentiment of the majority of the people of San Francisco that a site be set aside for the use of the San Francisco yachting, swimming and boating public, such sentiment having been shown at the recent bond election for an aquatic park by the more than majority vote therefor; and

WHEREAS, In the cove at the foot of Van Ness avenue there are between two and three blocks of land of which a portion is

hereinafter described, which being submerged and owned by the State of California is not now being used; and

WHEREAS, Said water lots owned by the state are available for said yachting, swimming and boating purposes;

Resolved by the assembly, the senate concurring, That the board of state harbor commissioners be requested to set aside for the use of the yachting, swimming and boating public of San Francisco and for the use of bona fide amateur yachting, swimming and boating clubs of San Francisco, the water lots comprising one state block owned by the State of California and bounded by Polk and Larkin, and Tonquin and Lewis streets, city and county of San Francisco.

CHAPTER 84.

Assembly Joint Resolution No. 12, a joint resolution requesting the congress of the United States to appropriate money to construct an efficient and practical fishway in the Derby dam in the Truckee river, Nevada.

[Filed with Secretary of State June 2, 1913.]

Congress
requested
to con-
struct
fish-way
in Derby
dam.

WHEREAS, There is pending in the congress of the United States, house of representatives, Bill No. 25518, introduced by Congressman Raker, which provides for the construction of an efficient and practical fishway in the Derby dam, which is owned and controlled by the United States reclamation service and appropriating money for the construction thereof; be it therefore,

Resolved, by the senate and assembly of the State of California, That we, the representatives of the people of the State of California, do hereby join in recommending to the congress of the United States the passage of the bill to the end that effective provision may be had to enable the trout of this stream, during their spawning season, to reach their spawning beds in the upper stretches of the Truckee river; be it further

Resolved, That the secretary of the senate be instructed to forward a copy of the foregoing preamble and resolution to the president of the United States, the president of the senate of the United States, the speaker of the house of representatives of the United States and to the United States senators and representatives in congress of the State of California.

CHAPTER 85.

Assembly Joint Resolution No. 19, relative to establishing game refuges in the national forest reserve in the State of California.

[Filed with Secretary of State June 2, 1913.]

Game
refuges in
national
forest
reserves.

WHEREAS, There is in the State of California over twenty-five million acres of national forest reserves, containing a large variety of wild game animals and birds; and

WHEREAS, Because of the largely increasing population adjacent to such forest reserves, many species of wild animals and birds are facing extinction and there is a necessity for the protection and preservation of such game animals and birds, that they have places of refuge where they can propagate and increase unmolested;

Resolved, That the senate and assembly of the legislature of the State of California in joint action, memorialize congress to set aside all or part of each of the national forest reserves in California as game refuges in which the taking or hunting of game animals and birds shall be prohibited.

Resolved, That our senators and representatives in congress be requested to use all honorable means to secure the passage of a measure or such other action as may be necessary, declaring said lands as game refuges for the protection and conservation of the game therein.

Resolved, That a copy of this resolution be forwarded to the president of the United States, the secretary of the interior, the secretary of agriculture, the respective houses in congress, and to each of our senators and representatives in congress.

CHAPTER 86.

Assembly Constitutional Amendment No. 6, a resolution to propose to the people of the State of California an amendment of the constitution of the state by amending section 1 of article XIII thereof relating to revenue and taxation.

[Filed with Secretary of State June 2, 1913.]

The legislature of the State of California at its fortieth regular session, commencing on the sixth day of January, nineteen hundred thirteen, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California that section 1 of article XIII of the constitution of the State of California be amended to read as follows:

Section 1. All property in the state except as otherwise in this constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; *and further provided*, that property used for free public libraries and free museums, growing crops, property used

Constitutional amendment.

Taxation in proportion to value.

exclusively for public schools, and such as may belong to the United States, this state, or to any county, city and county, or municipal corporation within this state shall be exempt from taxation, except such lands and the improvements thereon located outside of the county, city and county or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county or municipal corporation; *provided*, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to taxation. All lands or improvements thereon, belonging to any county, city and county or municipal corporation, not exempt from taxation, shall be assessed by the assessor of the county, city and county or municipal corporation in which said lands or improvements are located, and said assessment shall be subject to review, equalization and adjustment by the state board of equalization. The legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this state.

CHAPTER 87.

Assembly Constitutional Amendment No. 7, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California by adding a new section to article XIII, relating to revenue and taxation.

[Filed with Secretary of State June 2, 1913.]

Constitutional amendment.

The legislature of the State of California at its fortieth regular session commencing on the sixth day of January, nineteen hundred and thirteen, two thirds of all members of each house of said legislature voting in favor thereof, hereby propose an amendment to the constitution of the State of California, by adding to article XIII a new section.

SECTION 1. Article XIII, of the constitution of the State of California, is hereby amended by adding thereto a new section to be numbered eight and one half, to read as follows:

Exemption from taxation for local purposes.

Section 8½. Any county, city and county, city or town, may exempt from taxation for local purposes in whole or in part, any one or more of the following classes of property: improvements in, on, or over land; shipping; household furniture; live stock; merchandise; machinery; tools; farming implements; vehicles; other personal property except franchises. Any ordinance or resolution of any county, city and county, city or town, exempting property from taxation, as in this section provided, shall be subject to a referendum vote as by law provided for ordinances or resolutions. Taxes levied upon property not exempt from taxation shall be uniform.

CHAPTER 88.

Assembly Constitutional Amendment No. 19, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 13 of article XX, relating to elections.

[Filed with Secretary of State June 2, 1913.]

The legislature of the State of California, at its fortieth regular session, commencing the sixth day of January, nineteen hundred and thirteen, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that section thirteen of article XX of the constitution of the State of California be amended to read as follows:

Constitutional amendment.

Section 13. Where not otherwise directed in this constitution, a plurality of the votes given at any primary or other election shall constitute a choice, including nomination for and election to office; *provided*, that it may also be otherwise directed in charters framed under the authority of this constitution for cities, counties or cities and counties and by general laws for other counties and municipalities. Provision may be made in such charters, and by general laws in the case of other counties and municipalities, for either or both nomination for and election to office at a primary election of all or any portion of the candidates voted for at such primary election, and for a preferential system of voting at any county, city and county, or municipal primary or other election. Provision for a preferential system of voting at any other primary election may also be made by general laws.

Votes necessary to elect.

CHAPTER 89.

Assembly Constitutional Amendment No. 23, a resolution to propose to the people of the State of California, an amendment to section 23a of article IV, of the constitution of the State of California relative to the limitation of expense for officers and employees of the legislature.

[Filed with Secretary of State June 2, 1913.]

The legislature of the State of California, at its regular session, commencing the sixth day of January, 1913, two thirds of the members elected to each of the two houses of said legislature, voting in favor thereof, hereby proposes to the qualified electors of the State of California, the following amendment to the constitution of the State of California:

Constitutional amendment.

Section 23a. The legislature may also provide for the employment of help; but in no case shall the total expense for

Limitation of legislative expenses for officers and employees.

officers, employees and attachés of the senate exceed the sum of five hundred dollars per day, and in no case shall the total expense for officers, employees and attachés of the assembly exceed the sum of six hundred dollars per day, at any regular or biennial session, nor the sum of two hundred dollars per day in either house at any special or extraordinary session, nor shall the pay of any officer, employe or attaché be increased after he is elected or appointed.

CHAPTER 90.

Assembly Constitutional Amendment No. 25, a resolution to propose to the people of the State of California an amendment to section 8 of article XI of the constitution of the State of California relating to municipal corporations.

[Filed with Secretary of State June 2, 1913.]

Constitutional amendment.

The legislature of the State of California, at its regular session commencing on the sixth day of January, 1913, two thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that section 8 of article XI of the constitution of the State of California be amended to read as follows:

Freeholders' charter for cities of more than 3500.

Section 8. Any city or city and county containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States or of the legislature of California, may form a charter for its own government, consistent with and subject to this constitution; and any city, or city and county having adopted a charter may adopt a new one. Any such charter shall be framed by a board of fifteen freeholders chosen by the electors of such city at any general or special election; but no person shall be eligible as a candidate for such board unless he shall have been, for the five years next preceding, an elector of said city. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city, and, on presentation of a petition signed by not less than fifteen per cent of the registered electors of such city, the legislative body shall call such election at any time not less than thirty nor more than sixty days from date of the filing of the petition. Any such petition shall be verified by the authority having charge of the registration records of such city or city and county and the expenses of such verification shall be provided by the legislative body thereof. Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be

Election.

Nomination of candidates.

voted for at general elections. The board of freeholders shall, within one hundred and twenty days after the result of the election is declared, prepare and propose a charter for the government of such city; but the said period of one hundred and twenty days may with the consent of the legislative body of such city be extended by such board not exceeding a total of sixty days. The charter so prepared shall be signed by a majority of the board of freeholders and filed, in the office of the clerk of the legislative body of said city. The legislative body of said city shall within fifteen days after such filing cause such charter to be published once in the official paper of said city; (or in case there be no such paper, in a paper of general circulation); and shall cause copies of such charter to be printed in convenient pamphlet form, and shall, until the date fixed for the election upon such charter, advertise in one or more papers of general circulation published in said city a notice that such copies may be had upon application therefor. Such charter shall be submitted to the electors of such city at a date to be fixed by the board of freeholders, before such filing and designated on such charter, either at a special election held not less than sixty days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said sixty days. If a majority of the qualified voters voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the legislature, if then in session, or at the next regular or special session of the legislature. The legislature shall by concurrent resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city or city and county, and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the secretary of state, one with the recorder of the county in which such city is located, and one in the archives of the city; and thereafter the courts shall take judicial notice of the provisions of such charter. The charter of any city or city and county may be amended by proposals therefor submitted by the legislative body of the city on its own motion or on petition signed by fifteen per cent of the registered electors, or both. Such proposals shall be submitted to the electors only during the six months next preceding a regular session of the legislature or thereafter and before the final adjournment of that session and at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city or city and county not less than sixty days prior to the general election next preceding a regular session of the legislature. The signatures on such petitions shall be verified by the authority having charge of the registration records of such

Publi-
cation of
charter.

Legislative
approval.

Amend-
ments.

city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a proposed charter, and the election thereon held at a date to be fixed by the legislative body of such city, not less than forty and not more than sixty days after the completion of the advertising in the official paper. If a majority of the qualified voters voting on any such amendment vote in favor thereof it shall be deemed ratified, and shall be submitted to the legislature at the regular session next following such election; and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter. In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of the votes, the proposition receiving the larger number of votes shall control as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. It shall be competent in any charter to provide for the division of the city or city and county governed thereby into boroughs or districts, and to provide that each such borough or district may exercise such general or special municipal powers, and to be administered in such manner, as may be provided for each such borough or district in the charter of the city or city and county.

City given
power to
make
local laws.

Per-
centages.

The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general state election; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city or city and county shall, so far as applicable govern all elections held under the authority of this section.

CHAPTER 91.

Assembly Constitutional Amendment No. 47, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California to amend section 13 of article XI relating to supervision, regulation and conduct of the affairs of irrigation, reclamation or drainage districts.

[Filed with Secretary of State June 2, 1913.]

The legislature of the State of California at its regular session, commencing on the sixth day of January, 1913, two thirds of the members elected to each of the two houses of the said legislature voting in favor thereof, hereby proposes to the qualified electors of the state that section thirteen of article XI of the constitution of the State of California be amended to read as follows:

Constitutional amendment.

Section 13. The legislature shall not delegate to any special commission, private corporation, company, association or individual any power to make, control, appropriate, supervise or in any way interfere with any county, city, town or municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or assessments or perform any municipal function whatever, except that the legislature shall have power to provide for the supervision, regulation and conduct, in such manner as it may determine, of the affairs of irrigation districts, reclamation districts or drainage districts, organized or existing under any law of this state.

Legislature not to delegate power over counties, etc.

CHAPTER 92.

Assembly Constitutional Amendment No. 60, a resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section seven and one half, article XI thereof relating to charters of counties and amendments to such charters and to the surrender thereof.

[Filed with Secretary of State June 2, 1913.]

The legislature of the State of California at its fortieth regular session commencing on the sixth day of January, 1913, two thirds of all the members elected to each of the two houses of said legislature voting therefor hereby proposes to the people of the State of California that section seven and one half of article XI of the constitution of the state be amended so as to read as follows:

Constitutional amendment.

Section 7½. Any county may frame a charter for its own government consistent with and subject to the constitution (or, having framed such a charter, may frame a new one,) and relating to matters authorized by provisions of the con-

Free-holders' charter for counties.

stitution, by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three fifths of all the members of the board of supervisors of such county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors; *provided*, that if a general election shall occur in said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of electors, of candidates for county offices, to be voted for at general elections. It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them,

Petition.

Election.

Candi-
dates.Duty of
board.

and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said board of supervisors shall thereupon cause said proposed charter to be published for at least ten times in a daily newspaper of general circulation, printed, published and circulated in said county; *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; *and provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than thirty days nor more than sixty days after the completion of such publication, or after such posting; *provided*, that if a general election shall occur in said county not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors, voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the legislature, be made in duplicate, and filed, one in the office of the secretary of state and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

Publica-
tion of
charter.

Election.

Legislative
approval.

Amend-
ments.

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said county; *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; *provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for governor at the last general election, at which a governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the county clerk, and if signed by the requisite number of qualified electors of such county, shall be presented to the said board of supervisors, by the said county clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said board of supervisors, said board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as hereinbe-

Petition
for amend-
ments.

fore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held under the provisions of this section, for the election of boards of freeholders or for the submission of proposed charters, or any amendment or amendments thereto, shall be called by the board of supervisors, by ordinance, which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance, prior to such election, shall be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in said county; *provided*, that if no such daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted by the county clerk in three public places in such county and in or near the entrance to at least one public schoolhouse in each school district therein. In all other respects, every such election shall be held and conducted, the returns thereof canvassed and the result thereof declared by the board of supervisors in the same manner as provided by law for general elections. Whenever boards of freeholders shall be elected, or any such proposed charter, or amendment or amendments thereto, submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto.

Special
elections.

It shall be competent, in all charters, framed under the authority given by this section to provide, in addition to any other provisions allowable by this constitution, and the same shall provide, for the following matters:

Matters
to be
provided
for by
charter.

1. For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said board shall be elected, for the number of members, not less than three, that shall constitute such boards, for their compensation and for their election, either by the electors of the counties at large or by districts; *provided*, that in any event said board shall consist of one member for each district, who must be a qualified elector thereof; and

2. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools, for the election or appointment of said officers, or any of them, for the times at which and the terms for which, said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by

boards of supervisors, and, if appointed, for the manner of their appointment; and

3. For the number of justices of the peace and constables for each township, or for the number of such judges and other officers of such inferior courts as may be provided by the constitution or general law, for the election or appointment of said officers, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and if appointed, for the manner of their appointment; and

4. For the powers and duties of boards of supervisors and all other county officers, for their removal and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein; *provided*, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws; and

4½. For the assumption and discharge by county officers of certain of the municipal functions of the cities and towns within the county, whenever, in the case of cities and towns incorporated under general laws, the discharge by county officers of such municipal functions is authorized by general law, or whenever, in the case of cities and towns organized under section eight of this article, the discharge by county officers of such municipal functions is authorized by provisions of the charters, or by amendments thereto, of such cities or towns.

5. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attachés and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such boards of the powers, duties, qualifications and compensation of such persons, the times at which, and terms for which they shall be appointed, and the manner of their appointment and removal; and

6. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

All elective officers of counties, and of townships, of road districts and of highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

All charters framed under the authority given by this section, in addition to the matters herein above specified, may provide as follows:

For offices other than those required by the constitution and laws of the state, or for the creation of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For offices hereafter created by this constitution or by general law, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors. Optional matters.

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein, for such purposes, by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; *provided*, that any such indebtedness shall not be incurred without the assent of two thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable; *provided, further*, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the state is granted, shall be subject to such regulations and conditions as may be imposed by the legislature.

Whenever any county has framed and adopted a charter, and the same shall have been approved by the legislature, as herein provided, the general laws adopted by the legislature in pursuance of sections four and five of this article, shall, as to such county, be superseded by said charter as to matters for which,

under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided; and except that any such charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or division thereof, in office at the time such charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law.

Surrender
of charter.

The charter of any county, adopted under the authority of this section, may be surrendered and annulled with the assent of two thirds of the qualified electors of such county, voting at a special election, held for that purpose, and to be ordered and called by the board of supervisors of the county upon receiving a written petition, signed and certified as hereinabove provided for the purposes of the adoption of charters, requesting said board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties.

The provisions of this section shall not be applicable to any county that is consolidated with any city.

CHAPTER 93.

Assembly Constitutional Amendment No. 62, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 23 of article XII, relating to public utilities, their supervision and regulation.

[Filed with Secretary of State June 2, 1918.]

Constitutional
amendment.

The legislature of the State of California at its regular session commencing on the 6th day of January, in the year one thousand nine hundred and thirteen, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, the following amendment to the constitution of the State of California so that section 23 of article XII of said constitution shall read as follows:

Public
utilities;
supervision and
regulation.

Section 23. Every private corporation, and every individual or association of individuals, owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, plant, or equipment, or any part of such railroad, canal, pipe line, plant or equipment within this state, for the transportation or conveyance of passengers, or express matter, or freight of any kind, including crude oil, or for the transmission of telephone or telegraph messages, or for the production, generation, transmission, deliv-

ery or furnishing of heat, light, water or power or for the furnishing of storage or wharfage facilities, either directly or indirectly, to or for the public, and every common carrier, is hereby declared to be a public utility subject to such control and regulation by the railroad commission as may be provided by the legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the legislature to be public utilities shall likewise be subject to such control and regulation. The railroad commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities, in the State of California, and to fix the rates to be charged for commodities furnished, or services rendered by public utilities as shall be conferred upon it by the legislature, and the right of the legislature to confer powers upon the railroad commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this constitution. From and after the passage by the legislature of laws conferring powers upon the railroad commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns, in this state, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the railroad commission; *provided, however*, that this section shall not affect such powers of control over public utilities as relate to the making and enforcement of local, police, sanitary and other regulations, other than the fixing of rates, vested in any city and county or incorporated city or town as, at an election to be held pursuant to law, a majority of the qualified electors of such city and county, or incorporated city or town, voting thereon, shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the railroad commission as provided by law; *and provided, further*, that where any such city and county or incorporated city or town shall have elected to continue any of its powers to make and enforce such local, police, sanitary and other regulations, other than the fixing of rates, it may, by vote of a majority of its qualified electors voting thereon, thereafter surrender such powers to the railroad commission in the manner prescribed by the legislature; *and provided, further*, that this section shall not affect the right of any city and county or incorporated city or town to grant franchises for public utilities upon the terms and conditions and in the manner prescribed by law. Nothing in this section shall be construed as a limitation upon any power conferred upon the railroad commission by any provision of this constitution now existing or adopted concurrently herewith.

Public
utilities;
supervision
and regu-
lation.

CHAPTER 94.

Assembly Constitutional Amendment No. 81, a resolution to propose to the people of the State of California an amendment to section 6 of article XI of the constitution of the State of California relating to municipal corporations.

[Filed with Secretary of State June 2, 1913.]

Constitutional amendment.

The legislature of the State of California, at its regular session commencing on the sixth day of January, 1913, two thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that section 6 of article XI of the constitution of the State of California be amended to read as follows:

Municipal corporations created by general law.

Section 6. Corporations for municipal purposes shall not be created by special laws; but the legislature shall, by general laws, provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed; and the legislature may, by general laws, provide for the performance by county officers of certain of the municipal functions of cities and towns so incorporated, whenever a majority of the electors of any such city or town voting at a general or special election shall so determine. Cities and towns heretofore organized or incorporated may become organized under the general laws passed for that purpose, whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith. Cities and towns hereafter organized under charters framed and adopted by authority of this constitution are hereby empowered, and cities and towns heretofore organized by authority of this constitution may amend their charters in the manner authorized by this constitution so as to become likewise empowered hereunder, to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters, and in respect to other matters they shall be subject to and controlled by general laws. Cities and towns heretofore or hereafter organized by authority of this constitution may, by charter provision or amendment, provide for the performance by county officers of certain of their municipal functions, whenever the discharge of such municipal functions by county officers is authorized by general laws or by the provisions of a county charter framed and adopted by authority of this constitution.

CHAPTER 95.

Assembly Constitutional Amendment No. 84, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 31 of article IV (4), relating to irrigation districts.

[Filed with Secretary of State June 2, 1913.]

The legislature of the State of California at its regular session commencing on the sixth day of January, in the year one thousand nine hundred and thirteen, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, the following amendment to the constitution of the State of California so that section 31 of article IV of said constitution shall read as follows:

Constitutional amendment.

Section 31. The legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the state, or of any county, city and county, city, township, or other political corporation or subdivision of the state now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; *provided*, that nothing in this section shall prevent the legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the state, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation shall prevent the legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the state, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; *provided, further*, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country.

Legislature may not lend state's credit.

Irrigation districts.

CHAPTER 96.

Assembly Constitutional Amendment No. 87, a resolution to propose to the people of the State of California an amendment of the constitution of the State of California by adding a new section to article XII thereof, to be numbered section 23a, in relation to the power of the railroad commission to fix the just compensation to be paid for the taking of any property of any public utilities in eminent domain proceedings.

[Filed with Secretary of State June 2, 1913.]

Constitutional amendment.

The legislature of the State of California at its regular session commencing on the sixth day of January, 1913, two thirds of all of the members elected to each of the two houses of the said legislature voting in favor thereof, hereby proposes an amendment to the constitution of the State of California by adding a new section to article XII thereof, to be numbered section 23a of article XII, to read as follows:

Railroad commission to fix value of public utilities taken by state, etc.

Section 23a. The railroad commission shall have and exercise such power and jurisdiction as shall be conferred upon it by the legislature to fix the just compensation to be paid for the taking of any property of a public utility in eminent domain proceedings by the state or any county, city and county, incorporated city or town, or municipal water district, and the right of the legislature to confer such powers upon the railroad commission is hereby declared to be plenary and to be unlimited by any provision of this constitution. All acts of the legislature heretofore adopted, which are in accordance herewith, are hereby confirmed and declared valid.

CHAPTER 97.

Assembly Constitutional Amendment No. 88, a resolution to propose to the people of the State of California an amendment to section 2 of article XVIII of the constitution of the State of California relating to convention for revising the constitution of the State of California.

[Filed with Secretary of State June 2, 1913.]

Constitutional amendment.

The legislature of the State of California, at its regular session commencing on the sixth day of January, 1913, two thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that section 2 of article XVIII of the constitution of the State of California be amended to read as follows:

Convention to revise constitution.

Section 2. Whenever two thirds of the members elected to each branch of the legislature shall deem it necessary to revise this constitution, they shall recommend to the electors to vote at the next general election for or against a convention for that purpose, and if a majority of the electors voting at such election on the proposition for a convention shall vote

in favor thereof, the legislature shall, at its next session, provide by law for calling the same. In so providing for calling such convention, the legislature shall make provision for the election of delegates not to exceed in number that of both branches of the legislature who shall, except as herein provided, be chosen in the same manner and have the same qualifications as members of the legislature. Each of the delegates shall be considered as elected to a separate office. All delegates shall be nominated at a non-partisan primary election and not otherwise and may also be finally elected at such non-partisan primary election as hereinafter provided. Said non-partisan primary election shall be held as the legislature may direct, either at the time of holding any other primary election or at any general or special election or at an election to be called for that purpose. The legislature shall provide the manner in which all candidates shall obtain a place on the ballot at said non-partisan primary election. A candidate for any such office, receiving a majority of the votes cast at said non-partisan primary election for all the candidates for that office shall be declared elected. If at said non-partisan primary election there be any office to which no person was so elected, then as to such office that election shall be considered to have been merely a primary election for the nomination of candidates, and a further election shall be held to fill said office, and the two candidates, or less if so there be, who received the highest number of votes for such office at said non-partisan primary election, shall be the only candidates at such further election; *provided*, that if there be any person who, under the foregoing provisions, would have been entitled to become a candidate for such office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for that office. The candidate for any such office who shall receive the highest number of votes at such further election shall be declared elected to such office. Without the constitution being amended the legislature may, by resolution submitted to the electors of the state in the same manner that a proposed amendment to the constitution is submitted by the legislature, provide for any other plan for nominating and electing any delegates to any such convention. The delegates so elected shall meet within nine months after their election at such place as the legislature may direct. At a special election to be provided for by law, any amendments, alterations, revisions or new constitution, in any form that may be directed by such convention, either as alternative articles or propositions or otherwise, shall be submitted to the people for their ratification or rejection, in such manner as the convention may determine. The returns of such election shall, in such manner as the convention shall direct, be certified to the executive of the state, who shall call to his assistance the controller, treasurer, and secretary of state, and

Convention to revise constitution.

compare the returns so certified to him; and it shall be the duty of the executive to declare, by his proclamation, such revised constitution, as may have been ratified by a majority of all the votes cast at such special election, to be the constitution of the State of California.

CHAPTER 98.

Assembly Constitutional Amendment No. 90, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California by adding to article XX, a new section to be numbered 17½ relating to the conditions of labor and welfare of employees.

[Filed with Secretary of State June 2, 1913.]

Constitutional amendment.

The legislature of the State of California, at its regular session commencing on the sixth day of January, 1913, two thirds of the members elected to each of the two houses of the said legislature voting in favor thereof, hereby proposes an amendment to the constitution of the State of California by adding to article XX thereof a new section to be numbered as 17½ to read as follows:

Establishment of minimum wage.

Section 17½. The legislature may, by appropriate legislation, provide for the establishment of a minimum wage for women and minors and may provide for the comfort, health, safety and general welfare of any and all employees. No provision of this constitution shall be construed as a limitation upon the authority of the legislature to confer upon any commission now or hereafter created, such power and authority as the legislature may deem requisite to carry out the provisions of this section.

CHAPTER 99.

Assembly Constitutional Amendment No. 92, a resolution to propose to the people of the State of California an amendment to the constitution of the State of California, by amending section 20 of article V thereof, relating to the election of United States senators.

[Filed with Secretary of State June 2, 1913.]

Constitutional amendment.

The legislature of the State of California at its regular session commencing on the sixth day of January, in the year one thousand nine hundred and thirteen, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, the following amendment to the constitution of the State of California so that section 20 of article V of said constitution shall read as follows:

Election United States senators.

Section 20. United States senators shall be elected by the people of the state in the manner provided by law.